

do not know anything about that at all, and I am certainly not able to establish it except by the testimony of one single witness, so I do not put any stress on it.

But the United States can not sit down in quiet among these people that so long for its sovereignty and cry for it as children cry for Mrs. Winslow's soothing sirup. The people of the United States can not sit down without placing their backs to the walls or without 40,000 or 50,000 soldiers to defend them. That is a fact, and that fact helps us determine whether we will take the evidence of the civilian or the soldier.

These things that I have stated constitute another fact. Governor Taft, if he is correctly reported, says that these people are in favor of our sovereignty and do not want independence. If that be true, why does Governor Taft accompany that declaration by saying that if a man advocates that independence by peaceable means, without a thought of forcible resistance, he must go to the penitentiary for not more than a year?

Mr. President, I have learned to trust men, even the greatest and the best men, not by what they say but by what they do; and when Governor Taft says that the Filipino people do not want independence, and says at the same time nobody shall express that desire above his breath, I distrust the opinion, and for evidence of the fact look to the act.

When he says that the people are enjoying American freedom and at the same time he promulgates a law that makes it a penitentiary offense to read the Declaration of Independence on the Fourth of July, I confess I am very little impressed by his judgment and very profoundly impressed by his edict.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 12, 1902, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 11, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ALLEN of Maine, for five days, on account of important business.

PENSION APPROPRIATION BILL.

The SPEAKER laid before the House the pension appropriation bill with a Senate amendment.

The Clerk read the Senate amendment, as follows:

Page 3, line 8, after "prescribe," insert:
"And provided further, That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in securing the passage of any special act of Congress granting pension or increase of pension; and any person who shall directly or indirectly contract for, demand, receive, or retain any compensation for such services shall be deemed guilty of an offense, and upon conviction thereof shall, for each and every such offense, be fined not exceeding \$500 or imprisoned not exceeding two years, or both, in the discretion of the court."

Mr. BARNEY. Mr. Speaker, I move that the House disagree to the amendment and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. BARNEY, Mr. VAN VOORHIS, and Mr. BELL.

ARREARAGES OF TAXES IN THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (H. R. 10076) to receive arrearages of taxes due the District of Columbia July 1, 1900, at 6 per cent per annum in lieu of penalties and costs.

The Clerk read the Senate amendment.

Mr. JENKINS. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

Mr. CANNON. Mr. Speaker, I ask that the House consider the following concurrent resolution.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives be directed, in the enrollment of the bill H. R. 9315, to insert the word "thirteenth," on page 9, in line 9, in lieu of the word "thirtieth."

Mr. CANNON. Mr. Speaker, that is merely to correct an error in the date. I ask the adoption of the resolution.

The SPEAKER. The Chair is of opinion that the unanimous consent of the House should be had first. Without objection, this resolution will be now considered. [After a pause.] The Chair hears none.

The resolution was agreed to.

OLEOMARGARINE BILL.

Mr. HENRY of Connecticut. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of bill H. R. 9206.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, with Mr. LACEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the oleomargarine bill, and the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine.

The CHAIRMAN. General debate having been closed by order of the House, the Clerk will read the bill by sections:

The Clerk read as follows:

Be it enacted, etc., That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory or the District of Columbia, and remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits of such State or Territory or the District of Columbia, be subject to the operation and effect of the laws of such State or Territory or the District of Columbia enacted in the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise: *Provided*, That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character free from coloration or ingredient that causes it to look like yellow butter.

The following amendment, reported by the Committee on Agriculture, was read:

In line 11, page 2, strike out the word "yellow;" so as to read "causes it to look like butter."

The CHAIRMAN. The pending question is on this amendment reported by the committee.

Mr. GAINES of Tennessee. Mr. Chairman—

Mr. HENRY of Connecticut. I ask for a vote.

The CHAIRMAN. The gentleman from Connecticut is recognized. Does the gentleman rise to oppose the amendment?

Mr. HENRY of Connecticut. I ask for a vote on the amendment.

Mr. GAINES of Tennessee. Mr. Chairman, we can not hear one word the gentleman says.

Mr. TAWNEY. The gentleman asks for a vote on the amendment.

The CHAIRMAN. The Chair will recognize some one in opposition to the amendment first.

Mr. GAINES of Tennessee. Mr. Chairman—

The CHAIRMAN. The gentleman from Tennessee is recognized in opposition to the amendment.

Mr. GAINES of Tennessee. I want to ask some gentleman who supports this bill what the proviso in the first section of it means; and I desire to have order before I proceed further. It is a matter of very great importance.

The proviso of the bill, Mr. Chairman, reads as follows:

Provided, That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter.

Now, the gentleman from Connecticut [Mr. HENRY] will remember that I asked the gentleman from Minnesota [Mr. McCLEARY], while on the floor a few days ago, what was meant by this proviso. Without undertaking to explain it, which I believe he said he could not do, the gentleman referred me to the gentleman from Mississippi [Mr. WILLIAMS], whom he said had caused it to be inserted in the bill. I then called on the gentleman from Mississippi [Mr. WILLIAMS] to explain it, and he said the gentleman from Minnesota [Mr. McCLEARY] was mistaken; that he had nothing to do with it and knew nothing about it. Now, since that time I have been informed, in a private conversation with the gentleman from Minnesota [Mr. McCLEARY], that this provision is made and put into this bill to restrain the existing rights of the several States to act in reference to oleomargarine; to restrain the exercise of the inherent functions or police powers which the States have always retained and have now.

Since that time, Mr. Chairman, I have read the speech of the gentleman from Kentucky [Mr. ALLEN] of the committee reporting this bill, and at page 1361 of the RECORD he states in effect the same thing—that is, that it strikes out the present powers of the State governments. If that is the case, and I think it is, that provision should be remodeled.

Mr. GREEN of Pennsylvania. Strike it out entirely.

Mr. GAINES of Tennessee. And if the gentlemen who have so conscientiously worked to suppress or rather to outlaw this fraud have put something in this bill that they do not understand, or something more than they intended to, then this statement of mine is for the purpose of sharply challenging it to their attention and asking them to state clearly in the proviso what they really mean and let the House be fully informed. If they mean to prostrate the States, or if this proviso means to do so, then I am against this proposition. If they mean to strengthen the States, then I am for it; but as it reads, Mr. Chairman, which I may add is in the most abstruse language, very hard to understand, I am opposed to it.

I have submitted it to lawyer after lawyer on this side, and on first blush they say that it does not interfere with the State; but, after a moment's reflection, they say that the effect of it will be to paralyze State rights, which is wrong.

Now, which is it? Not one gentleman on the opposite side of the House has undertaken to explain this provision. Gentlemen upon this side, in private conversations with me, as well as the distinguished lawyer from Kentucky [Mr. ALLEN], in his speech, have said that it is a direct thrust at a destruction of State powers.

Now, Mr. Chairman, in the case of Austin against The State of Tennessee, a cigarette case, reported in 179 United States, the Supreme Court clearly recognized the principle that the State has the right to exercise this police power. That is one of the rights which they have reserved, one of the rights they never surrendered and can not surrender, one of the rights they never should surrender, and one of the rights which I believe the gentleman from Connecticut [Mr. HENRY] does not want to impair. We want those rights to remain as they are, and I call upon my friend from Connecticut [Mr. HENRY] and the gentleman from Minnesota [Mr. TAWNEY], from whom we have not heard, to explain to this House what the meaning of this proviso is. I am sure they will be equally as candid and frank in making the explanation as I have been serious and honest in bringing the matter to their attention and to the attention of the House.

Mr. THAYER. What was the case to which you referred? You did not tell us what the finding in that case was.

Mr. GAINES of Tennessee. This was a case where the cigarette men—

Mr. WADSWORTH. Mr. Chairman—

Mr. GAINES of Tennessee. Just a moment.

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from New York?

Mr. GAINES of Tennessee. Yes.

Mr. WADSWORTH. Will the gentleman from Tennessee allow me to say to him that in the course of a few minutes an amendment will be offered which will cover the point to which he is referring, and I suggest that the gentleman wait until that amendment is offered, when he can continue his discussion when it will be more germane.

Mr. GAINES of Tennessee. Then you have an amendment covering that point?

Mr. WADSWORTH. Yes.

Mr. GAINES of Tennessee. I am glad to hear it.

Mr. WADSWORTH. And I hope the gentleman will wait a few minutes before he proceeds with his discussion.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. HENRY of Connecticut. I ask for a vote on the amendment.

The committee amendment was agreed to.

Mr. HENRY of Connecticut. I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Connecticut offers an amendment, which the Clerk will report.

Mr. BARTLETT. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. We were unable to hear the Chair when he put the motion. What amendment was pending?

The CHAIRMAN. A committee amendment to strike out the word "yellow."

Mr. BARTLETT. And that has been adopted?

The CHAIRMAN. That has been adopted.

Mr. WILLIAMS of Mississippi. And now comes the next committee amendment.

The Clerk read the amendment, as follows:

Amend section 1 by adding thereto, after the word "butter," in the twelfth line of page 2 of the bill, the words "of any shade of yellow."

So that it will read:

Free from coloration or ingredient that causes it to look like butter of any shade of yellow.

Mr. SCOTT. Mr. Chairman I wish to say a word on the amendment emanating from the majority of the committee. I shall support this amendment because it is in line with the position I have taken on this bill from the beginning. But I am un-

able to understand how gentlemen who have supported what is known as the Grout bill and its lineal descendants are able to give their concurrence to the pending amendment. I hold in my hand a postal card signed by a half dozen or so of my constituents, the printed heading of which reads as follows:

No substitute for the Grout bill!—We have not authorized and do not approve making any change in the Grout bill as it passed the House in the Fifty-sixth Congress. So we can not indorse H. R. 4, introduced by Mr. Tawney; but we most heartily indorse and approve H. R. 1, introduced by Mr. McCleary, which is our Grout bill word for word, and we very earnestly request you to support H. R. 1 vigorously.

Mr. Chairman, I have no doubt that every member of this committee has received scores of cards similar to this. I am informed that in the last Congress practically cartloads of petitions of a similar character were received by members of the then House, and it is perfectly well known to all of you who sit on this floor that the sentiment of the country has been cultivated to support what has been known as the Grout bill.

In further confirmation of what I have said on this subject I wish to direct attention to a petition which I hold in my hand, which is a printed copy of the original now on file with the Committee on Agriculture. The first paragraph of this petition reads as follows:

We, the undersigned editors of publications devoted to agriculture, and representing the sentiments of the farmers of the United States, believing that future prosperity and welfare of the farmers of this country depends very largely upon the preservation of the dairy industry upon the farm, earnestly petition your honorable body to enact into legislation during the present session what was known in the last session as the "Grout bill," which passed the House by the tremendous majority of 104, was favorably reported by the Senate Committee on Agriculture, and, while occupying a privileged position on the Senate Calendar, failed of passage because of the rush of important appropriation bills at the close of the session.

This petition is signed with the names of gentlemen who, from the heading, appear to be the editors of "all the leading agricultural publications in this country," representing a constituency of over 3,000,000 people. It is directly in line with the addresses delivered on this floor calling our attention to the fact that 50,000,000 of people, through the legislation of their own States, are demanding the passage of the Grout bill.

Now, I submit that the measure originally known as the Grout bill has been already so much changed that its father would not recognize it if he should meet it in the big road; and if this pending amendment is made to it the measure will be of such a character that the author of the bill would repudiate it. I hold in my hands the hearings before the Agricultural Committee, and from page 261 I wish to quote, in support of the statement I have just made, the statement of Mr. Grout. Let me explain that this gentleman was before the committee, expressing his views upon this proposition—the question of inserting or omitting the word "yellow"—the question presented in the pending amendment. Upon that question Mr. Grout spoke as follows:

In the second section of the bill there is a proviso, and I see that Mr. HENRY has changed the language there by putting in "yellow." I want to say that that language incorporated there is taken right from the decision in the Plumley case, from the supreme court in the Plumley case. It will be exceedingly dangerous to interpolate a word there that would change that one single particle, because the Lord knows where the lawyers would run with it.

On page 269 the same speaker says:

I say that is what we want the tax on, and we do not want any limitation on it; we do not want to say "yellow butter." I tell you, my friends, that this bill, just as your Uncle Dudley drew it, will cover this question and will accomplish the result, if it can be accomplished at all. Let them pay that 10-cent tax, whether the coloring be much or little, and if you do not stand on that I would not give a rush for this law. I want to go on record as saying so to you gentlemen here, and I am on record. I would not give anything for it if you do not put that in.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCOTT. I ask unanimous consent to occupy one minute more.

There was no objection.

Mr. SCOTT. So I say to you gentlemen who have felt yourselves committed to the Grout bill that according to the declaration of the author of that measure the adoption of the pending amendment will change it to such an extent that you will not be bound by that pledge; because in voting for this bill thus amended you will be voting for a bill which is entirely different from the Grout bill—a bill which the author of the measure declares he would not give a rush for, and which would not accomplish what he sought to accomplish when he introduced the bill.

THE BILL AS PASSED.

The following is a copy in full of H. R. 9206 in the form in which it passed the House, changes from the original Grout bill being indicated by italics:

An act to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

Be it enacted by the Senate and House of Representatives of the United

States of America in Congress assembled, That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory or the District of Columbia, and remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits of such State or Territory or the District of Columbia, be subject to the operation and effect of the laws of such State or Territory or the District of Columbia, enacted in the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise: *Provided*, That nothing in this act shall be construed to forbid any State to permit the manufacture or sale of oleomargarine in any manner consistent with the laws of said State, provided that it is manufactured and sold entirely within the State.

Sec. 2. That the first clause of section 3 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, be amended by adding thereto after the word "oleomargarine," at the end of said clause, the following words:

"And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family and guests thereof without compensation, who shall add to or mix with such oleomargarine any ingredient or coloration that causes it to look like butter of any shade of yellow shall also be held to be a manufacturer of oleomargarine within the meaning of said act, and subject to the provisions thereof."

Sec. 3. That section 8 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, be, and the same is hereby, amended so as to read as follows:

"Sec. 8. That upon oleomargarine which shall be manufactured and sold, or removed for consumption and use, there shall be assessed and collected a tax of 10 cents per pound, to be paid by the manufacturer thereof; and any fractional part of a pound in a package shall be taxed as a pound: *Provided*, When oleomargarine is free from coloration or ingredient that causes it to look like butter of any shade of yellow said tax shall be one-fourth of 1 cent per pound. The tax levied by this section shall be represented by coupon stamps; and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section."

Sec. 4. That the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made from time to time, and at such times as he may deem necessary, of all factories and storehouses where butter is renovated; and all butter renovated at such places shall be carefully inspected in the same manner and to the same extent and purpose that meat products are now inspected. The quantity and quality of butter renovated shall be reported monthly. All renovated butter shall be designated as such by marks, brands, and labels, and the words "Renovated Butter" shall be printed on all packages thereof, in such manner as may be prescribed by the Secretary of Agriculture, and shall be sold only as renovated butter. Any person violating the provisions of this section shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be fined not less than \$50 nor more than \$500, and imprisoned not less than one month nor more than six months.

The Secretary of Agriculture shall make all needful sanitary and other rules and regulations for carrying this section into effect. And no renovated butter shall be shipped or transported from one State to another or to foreign countries, unless inspected as provided in this section.

Sec. 5. That wholesale dealers in oleomargarine shall keep such books and render such returns in relation thereto as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulation, require; and such books shall be open at all times to the inspection of any internal-revenue officer or agent. And any person who willfully violates any of the provisions of this section shall for each such offense be fined not less than \$50 and not exceeding \$500, and imprisoned not less than thirty days nor more than six months.

Sec. 6. This act shall take effect on the 1st day of July, 1902.
Passed by the House of Representatives February 12, 1902.
Attest:

A. McDOWELL, Clerk.

Mr. HENRY of Connecticut. Mr. Chairman, this is an amendment that has received a great deal of care and consideration from the committee. It has followed the language that is approved, I believe, by the entire committee, both the majority and the minority of members. It was a change that was asked for by the dairy commissioners of several States, and also a change that was also desired by the oleo manufacturers. And at least one manufacturer said at the committee hearings—I quote from Mr. Tillinghast—"If you put in the word yellow, making it read ingredients that caused it to look like yellow butter, that would be satisfactory." So we insert the words "butter of any shade of yellow," and in doing so believe that we have satisfied all parties at interest.

Allow me to further say that this section is substantially the same as in the Grout bill. The attempt has been made to indicate that there was a radical change in the measure. It is not so. This is the Grout bill with the same provisions that the Grout bill contained, only with the limitation that the butter shall not be made in any shade of yellow. This amendment has been asked for by gentlemen on both sides of the House, as I have explained.

Mr. OVERSTREET. Will the gentleman allow me to ask him a question?

Mr. HENRY of Connecticut. I will.

Mr. OVERSTREET. Can the gentleman state how many different shades of yellow there are?

Mr. HENRY of Connecticut. Oh, a great many.

Mr. OVERSTREET. I make the inquiry because I have been informed that there are 40,000 different shades of red and about 30,000 different shades of brown. Is the gentleman able to state how many different shades of yellow this amendment is undertaking to cover?

Mr. HENRY of Connecticut. It covers all shades of yellow. The gentleman can make his own estimate.

Mr. OVERSTREET. It covers about 30,000 different shades.

Mr. SMITH of Kentucky. I would like to ask the gentleman a question.

Mr. HENRY of Connecticut. I yield to the gentleman.

Mr. SMITH of Kentucky. I would like to ask the gentleman upon what theory does your committee conclude that it ought to be an offense against the law to imitate butter of some shade of yellow and not an offense against the law to imitate butter of any other color?

Mr. HENRY of Connecticut. Butter does not have any other color than yellow.

Mr. SMITH of Kentucky. Suppose it was pure white butter?

Mr. HENRY of Connecticut. Then it would imitate pure white butter, if you can find such.

Mr. SMITH of Kentucky. Would it not be an offense against the law to make oleomargarine to imitate white butter?

Mr. HENRY of Connecticut. Oh, no.

Mr. SMITH of Kentucky. Why should it not be an offense to imitate one as much as to imitate the other?

Mr. HENRY of Connecticut. That is a matter for the gentleman to decide for himself.

Mr. SMITH of Kentucky. Why do you discriminate in favor of yellow butter against white butter or any other color?

Mr. HENRY of Connecticut. Because yellow is the natural color of butter.

Mr. ALLEN of Kentucky. I would like to ask the gentleman if he regards orange color as synonymous with yellow?

Mr. HENRY of Connecticut. I do not. Orange is another color.

Mr. ALLEN of Kentucky. Will that prohibit oleomargarine being colored an orange color?

Mr. HENRY of Connecticut. Oh, I do not know as to that, but I have here an expression of opinion from the dairy commissioner of Massachusetts, Mr. Whittaker. I read from a personal letter:

The oleo people tried to evade our law by making some stuff a much deeper color, so that it could hardly be called an imitation of dairy butter. The trouble with the scheme was that the consumers would not buy such looking stuff, so dark and repulsive.

The color referred to was orange-yellow or a darker shade.

Mr. ALLEN of Kentucky. I will ask the gentleman if it is not the opinion of Mr. Grout, a gentleman who is very earnest in the advocacy of this bill, that the amendment now being offered would not have the effect that the promoters of the bill propose?

Mr. HENRY of Connecticut. Mr. Grout is not in issue at this time.

Mr. ALLEN of Kentucky. Is not that his opinion?

Mr. HENRY of Connecticut. I do not care to answer. The question is personal to Mr. Grout.

Mr. STEELE (to Mr. ALLEN of Kentucky). You must not ask embarrassing questions.

Mr. HENRY of Connecticut. It is no embarrassment to me. The committee, not Mr. Grout, are responsible for the terms of this bill.

Mr. WILLIAMS of Mississippi. Mr. Chairman, the majority of the Committee on Agriculture brought in the bill with an agreement to strike out the word "yellow," as it appeared in the printed bill before the House. The impression was that would leave the language as follows, "that this tax on this commodity, except when it was free from color or ingredient that made it look like butter." If there was an ingredient in it that made it look like butter in consistency without looking like butter in color, it would leave it subject to this 10-cent tax. During the argument of the case in the House of Representatives the majority of the Committee on Agriculture discovered their error.

They now come in and agree to say in the bill that in order to be held to "look like butter it must be some shade of color." Now, I shall vote for the amendment offered by the gentleman from Connecticut, representing the majority of the committee, because it will leave behind it, if adopted, a less iniquitous bill than the bill would be if the amendment were not adopted, for the simple reason, as I fear, that if the amendment is not adopted then, in my opinion, the question will arise and be adjudicated in favor of the proposition that uncolored oleomargarine might be subjected to tax of this bill, whereas, if it is adopted, it will have to have some color in order to be subject to tax.

Mr. TAWNEY. Let me ask the gentleman if he means to say that this would subject uncolored margarin to taxation? He means to say that it would subject uncolored oleomargarine to the laws of the State.

Mr. WILLIAMS of Mississippi. In this particular section it would. Subsequently there is another amendment to cure the same defect in the taxation clause, and that is the main thing to be considered.

Mr. SIMS. May I ask the gentleman, a member of the committee, a question? Is it not a fact that there is no such thing as white butter; that it is always some shade of yellow?

Mr. WILLIAMS of Mississippi. I have seen butter as white as my shirt front fresh from the laundry, and every man, I suppose, that lives south of the butter-making blue-grass country and south of the red-clover and timothy country, who has ever seen butter made in the winter time, sees it every year.

Mr. SIMS. I know it is white compared with other butter, but is it white in legal terms?

Mr. WILLIAMS of Mississippi. It is as white as your shirt front, and whiter than oleomargarine.

Mr. SIMS. Is oleomargarine a pure white?

Mr. WILLIAMS of Mississippi. Almost a pure white; it is the color of white butter, and neither one of them has any shade of yellow at all. Some butter has, and most butter has. Some butter has no shade of yellow at all. The oleo fresh from the factory has no shade of yellow.

The CHAIRMAN. Debate is exhausted on this amendment.

Mr. HENRY of Mississippi. Mr. Chairman, I move to strike out the last two words. Much has been said on this bill, and what I say now may not change the result of the vote, but I feel I would not be true to the people whom I represent, nor to my own conscience, if I failed to say something on this occasion. If there was not a pound of cotton seed from which the oil is made, one of the ingredients in oleomargarine; if there was not a hoof of beef or of hog raised in my State, and, on the contrary, there was a dairy on every 10 acres of land in my district, I would oppose this bill. Indeed, I will oppose any measure that tends to strike down one product to help another, both equally wholesome. I would oppose any measure which strikes at one enterprise to the upbuilding of another industry.

It might be well for us to consider who the parties are who come to Congress to ask for the passage of such a stringent measure. Taking the report of the committee and the hearings relating to oleomargarine legislation, I find that only those who are directly interested either in the manufacture of butter or the manufacture of oleomargarine have presented anything to your committee tending to enlighten this House. We find by a review of the hearings that the manufacturers of butter urge this measure, and we are willing, therefore, in our desire to arrive at a just conclusion, to leave it to the record in this case and see if they have produced such evidence as would warrant the passage of a bill which will, in my opinion, take away from the States the rights of the States, and which will at once become dangerous and pernicious legislation.

The gentleman from Vermont the other day, in discussing this measure, insists that the objection to it is a mercenary one, and appeals, therefore, to the sense of justice of those who oppose it. I answer him and say that in most of the matters which we have to discuss money in some way or other necessarily figures, that is to say, that in the end all things are determinable by aiding or assisting one in the undoing of another. And while perhaps there may be two interests, as there are, I claim still that it should not be urged that our opposition to this bill is purely mercenary.

I feel that we of the American Congress should raise ourselves above any feeling of interest that we may have in the outcome of any measure that is presented to us for final settlement. We should, as far as possible, be governed by the Constitution of the United States, and never depart from that Constitution so long as it in any way teaches us or leads us to a just, honest, and upright conclusion. Is this measure such a one that follows the Constitution of the United States? We find in section 8 of the said Constitution the declaration "that all tax must be uniform." Can it possibly be urged that the tax on oleomargarine, in the absence of any similar tax upon butter, is uniform? Was such taxation possibly contemplated by the makers of this great law? No one, I take it, will insist that such was the fact. We all know and we all believe that the Constitution was made for all of the people, and that when we attempt by any legislation whatever to so change that Constitution as to put a tax upon one product and not be willing to apply that to a similar one we are departing from the laws laid down to us by our forefathers and are doing that which is assuredly wrong.

All business is legitimate if it does not come within conflict of law, order, and good government, and the very report upon which this bill is based admits that the making of oleomargarine is a legitimate business done in conformity with the law. So the making of butter is a legitimate business. It only differs from the making of oleomargarine in that the ingredients are not identically the same. The oleomargarine, it is true, contains most of the ingredients contained in butter. Indeed, so true is this that even the greatest experts have been unable, and are now unable, to designate the one from the other when the two are presented to them.

I read from page 30 of the hearing in regard to oleomargarine legislation, where a scientist says: "It contains essentially the

same ingredients as natural butter from the cow's milk. It is perfectly wholesome and will have as high a nutritious value." Mr. Hoard, when asked the question, "What do you say to that?" answered that he had nothing to say to that; that he had heard that statement made, but still doubted the truthfulness of it.

The chairman of the Agricultural Committee then stated: "We have here the opinions of the following scientists," and named the professor of chemistry at Columbia College, New York; the professors of the University of Virginia and the University of Pennsylvania; of Stevens Institute of Technology, New Jersey; director of agricultural experiment station and ex-professor of agricultural chemistry in Yale College; Professor Caldwell, of Cornell University; the professor of Amherst Agricultural College; Professor Williams, of Missouri State University; Professor Alvord, formerly of Massachusetts Agricultural College and president of the Maryland College of Agriculture, now chief of the Dairy Division of the United States Department of Agriculture, and a number of other professors of chemistry. "The opinion of all of these men is that oleomargarine is wholesome. Would you have your judgment stand, then, against them, or are we to infer they are all prejudiced and among the scientific prostitutes of the age?"

Mr. Hoard answers: "No, sir; I did not say that." "Then I ask you do you consider oleomargarine wholesome or unwholesome?" "I consider it unwholesome."

Now, Mr. Chairman, we are here confronted by a great dairy man, the Hon. W. D. Hoard, chairman of the National Dairy Union, who is willing to put his own personal opinion up against the great scientists of this age and say that oleomargarine is unwholesome, in face of what the different gentlemen I have named, professors from the different institutions, say in regard to it. Does it not then occur to you that the distinguished gentleman, Mr. Hoard, is himself so biased and prejudiced against the manufacture of oleomargarine that he does not apply to it his usual good judgment, but is led off by a feeling that should not affect our minds, and he, therefore, becomes a prejudiced judge, and not one capable of giving a fair opinion? I make this excuse for Mr. Hoard, because no one could question Mr. Hoard's honesty or integrity. Your committee, I am glad to see, has abandoned the very ground taken by Mr. Hoard, and I, possibly, should not have made the reference that I have to Mr. Hoard's testimony but that I desire to show to this House the nature of the testimony given by those who have come here and sought this relief for butter and ask that this curse be put upon oleomargarine.

No man would stand here and say that he would dare ask to put a tax upon one of the great industries so numerous in our country that they might be protected against like industries in some other portions of the country. You certainly would not ask to tax any of the great mills that turn out textile fabrics or cloth of any sort to preserve or protect the old-fashioned spinning wheel or loom, and yet I say to you in all honesty that such taxation would be just as honest and as righteous as the taxation which you here propose to pass. This, I say, would be a piece of rank protectionism and be indefensible.

Much has been said here about the protection of the small farmer who makes a few pounds of butter weekly and takes it to town on Saturday and sells it, and gets in exchange for it something that his family desires. It is urged that the passage of this measure is a protection to that farmer. I deny that such is the case. The small farmer or the large who has a surplus of cream not used in the living of his family may put up a few pounds of butter each week, and is given in exchange for it something from the store.

But that is a small matter when you take into consideration the fact that that same farmer makes his living for his family and educates his children, not from the little butter that he sells, but from that which he raises in his fields. Generally the products that come from his fields are those which go to produce oleomargarine. Several of the chief ingredients in oleomargarine are the beef, the hog, the cotton seed, butter cream, and butter oil. The farmer may not raise beef cattle, but he raises the commodities which feed beef and sustain them and fatten them for market. So in the case of the hog, and the milk, butter, and cream; if any he raises or produces can be sold it is sold in large quantities to the oleomargarine dealer. The sale therefore of a few pounds of butter could not compare with the sale of the different cereals that are mentioned, and also of the sale of the hogs and the cattle, or the food stuff that he makes for them.

The defenders of this measure say that it will not hurt oleomargarine and it will not help butter. Those who say that, though, are members of this House, and not those who have gone before the committee and given their testimony.

I read now, from page 215, from a statement of Mr. H. C. Adams, dairy and food commissioner of Wisconsin, in which he says:

I said that there was no use in beating the devil about the stump, and our purpose in going to Congress with this bill providing for the 10-cent tax on

butterine or oleomargarine was to practically prohibit the business of the manufacturing of oleomargarine colored in imitation of butter. Some gentlemen on the committee insist that they understood me to say that it was our deliberate purpose to crush this business of manufacturing oleomargarine.

On page 217, among other things, Mr. Adams said:

We come here to Congress and ask for what we regard as substantially prohibitory tax upon the colored article.

Now, how can any gentleman stand on the floor of this House in the face of that statement and deny the fact that this measure is for the support of dairy butter and for the undoing of oleomargarine? If they urge it in their conclusion, they do so not from the record in this case, not from the statements of the witnesses before this committee, but from their own desire to misstate the facts as they exist. The idea of "not hurting oleomargarine," when from the very lips of the witness (Mr. Adams) he tells you that such is their intention! And that is not all. Governor Hoard says, on page 8:

We do not pretend to be endeavoring to protect the health of the people primarily. We are endeavoring to protect our own pockets and those of consumers who desire to purchase our product.

Nor is that all. Hon. W. W. Grout says, on page 252, in urging the passage of this legislation, and as a witness before the committee, that—

With these two provisions, the States taking up the matter after their own fashion on the anticolor laws, the Government being sure to have their 10-cent tax, there will be a remedy. It is a little like the dorky fixing the trap for the coon so that he would get the coon whether he was going or coming. With these two provisions it is likely that oleomargarine will be a thing of the past.

There again, to my mind, there can be no doubt of the intended purpose of this measure as taken from the words of the witnesses who were presented before the committee to urge its presentation here in the House by the committee and its final passage.

Aside from the constitutional wrong which would be committed by the passage of this bill, I would call the attention, Mr. Chairman, of the House to the fact that butter is known to be a disease carrier. It carries germs of certain diseases. This is certain of milk, and it can hardly be doubted that butter may act in the same way; and this is most strongly urged, since in ordinary creaming of milk all but small portions of the bacteria rise with the cream. That has been shown to be true by the report of the health commissioner of the District of Columbia made in 1895, where tuberculosis has been spread through the milk supply; and numerous instances have been observed in which outbreaks of typhoid fever, scarlet fever, and diphtheria have affected those families living in the localities supplied by certain milkmen. The cause of sickness in those families is laid to the milk supply; and it has been found out definitely that the milk supply might serve as a medium of spreading these fevers if it came from the dairy where disease prevailed.

These suggestions of mine are not merely my opinion based upon supposition, but they are my opinion as taken from the statements made by scientific gentlemen who have given this matter study. And I would have the House to understand that I do not make these statements except upon the authority of men who are absolutely unprejudiced and unbiased, and have no reason on earth to make any other than a true statement of the conditions.

So much then for butter. What do we find in regard to oleomargarine? In the first place, the statements of those who have investigated the manufacture of this product are that the manufacture of oleomargarine or butterine in properly constructed factories is much cleaner than the manufacture of butter, and that the larger factories are as nearly perfect in all respects as it is possible to make them.

It is made from the richest and choicest fat of the beef. That fat is taken before the animal is skinned, thoroughly washed, thrown into a vat of ice water, to stand until the following day. Then it is cut up fine and cooked. After being cooked it is placed in linen cloths and the oil is extracted in a hydraulic press. The residue left in the cloths after pressing is commercially known as sterin. The tallow element is therefore effectually removed. The lard, neutral lard, is obtained from the leaf lard of the pig. The leaf is taken out as soon as the animal is killed, thoroughly washed, and put in a freezer for twenty-four hours. It is then cut into shreds and cooked, and after straining presents a snowy white color. But this is not all. Both the pig and the cattle are examined by Government inspectors before and after killing to see that diseased animals are excluded. Oleo oil and neutral lard, therefore, are the basis of the so-called oleomargarine. These are churned with cream or milk, salted, and colored with annatto, run through cold water, worked in a butter-worker, and placed in suitable packages, and labeled, according to the United States laws, "Oleomargarine."

It is apparent, therefore, that nothing but the most wholesome butter fats are used and that the most scrupulous precautions as regards cleanliness are observed in the manipulations. And this

extends not only to the materials used, but also to the utensils, workrooms, and the persons and clothing of the employees.

Dr. Ames, of the United States Navy, said before the Senate committee that "the manufacture of butterine in properly constructed factories is much cleaner than the manufacture of butter."

Comparison, therefore, when drawn between butter of the dairy and oleomargarine, finds everything in favor of oleomargarine. Several gentlemen in this House have given utterance to language only calculated, as I take it, for home consumption. The protection of the poor, they say—the protection of those who want to buy butter and are unable to do so because none is offered. In all seriousness I ask these gentlemen, Have they read the evidence here, or do they represent a district where butter is made and where they must look to the votes of the dairymen for their return to Congress? Have they examined the record and seen where fraud is perpetrated in the making of butter? I dare say they have not, or if they have, they have not given the question the honest consideration it deserves, but have tried to frame their language to suit those whom they wish to help or receive help from.

No, Mr. Chairman, the fraud is not all on one side, and while we who support the amendment to this bill would not for one moment be understood as abetting a fraud in the sale of oleomargarine, we do urge that it be given fair treatment, for we find abundance of fraud in the manufacture of butter, as I will show.

I read now from page 229 of the hearing relating to oleomargarine legislation:

In regard to what is known as renovated butter or process butter. That butter, which is known to be picked up at hotels and other places and sent into cities where they have those creameries for putting butter through what is known as a renovated process, where they boil it, and add a little cream, and churn it up, and send it out upon the market.

Mr. Adams states, on page 229:

We have a renovated-butter factory in our State, Illinois. We do not sell it in our State, however, because we require it to be branded; but it is shipped out of the State.

The question was then asked Mr. Adams how this renovated butter was made. He says:

They take the cheap butters, some of them are rancid, some of them tolerably good, but they are lacking in grade and not merchantable. They take them and mix them together and melt them, then chill the melted butter in cold water. Of course, when they are melted they become of the same consistency and of the same color; the product becomes uniform; then it is chilled and churned in milk and resalted.

Mr. Adams states further:

There is no particular objection to the process. The trouble with renovated butter is that, although when it is first made it is pretty good, it goes off rapidly in flavor, and it is a fraud to sell it for creamery butter, which it is not. That fraud is often perpetrated, and there is no defense for it.

Now, then, Mr. Chairman, we also find fraud in the making of butter. We also have the statement of the distinguished gentleman, Mr. Adams, that this fraud is perpetrated upon the people; that the cheap butters, the rancid butters, and the tolerably good butters and that lacking in grade and not merchantable are all taken together and mixed.

And while his own State, that of Illinois, has placed a ban upon the sale of such butter, yet he admits that that butter is sent outside of the State and sold for creamery butter. And yet he says that this bill is to prevent fraud, when we have his own statement that fraud is being perpetrated in the making of butter such as I have described, which is, as the testimony shows, one of the greatest industries of the butter trade. The very butter that we are told comes from the farmer is, as we are also told, of a low grade, and does not keep and becomes rancid; that very butter is the butter that is worked up, renovated, put through this process, and distributed to the people.

Some gentlemen here might suggest, however, that oleomargarine is made of refuse fats; in fact, that has been stated by Mr. Hoard; but the proof is not with these gentlemen, as is shown from the testimony of Prof. George M. Kober, who has recently qualified himself as expert of hygiene and bacteriological studies. He says on page 50 of the hearing:

Oleomargarine can not be made from rancid fat, and in its manufacture great care must be exercised to exclude any material however slightly tainted. It can not be made from fats having a marked or distinctive taste, and its flavor is derived wholly from the milk or genuine butter employed in its manufacture. It contains, as a rule, less water than does genuine butter, and consequently any difference in food value is in its favor. It undergoes decomposition much more slowly and may be kept many months without becoming rancid. Many comparative studies have been made on this point and results generally have shown what I have said.

We have, therefore, Mr. Chairman, the admission of fraud by the butter people in the making of butter, and the charges of fraud by the butter people against oleomargarine, not from the manner in which it is made, but from the manner in which it is disposed. To quote Governor Hoard once again, we find that he insists, on page 9 and page 15, on the large use of refuse matter in the making of oleomargarine. He says:

It has been frequently charged that the fat from horse butcheries is made up into oleo oil, and also that fats taken from animals which have died a

natural death from disease have also been so utilized. While we have spent time and money seeking evidence of these things, I desire to lay before you for your mature consideration the fact that in no other way can we account for the production of the amount of oleo oil that is consumed and exported in this country. During the fiscal year of 1899-1900 there were, according to the Treasury Department reports, 142,000,000 pounds of oleo oil exported from this country. The same Department shows that in the same year 24,000,000 pounds were used in the manufacture of oleomargarine in this country. This is a total supply of 166,000,000 pounds for the year. Now, where did this come from? How much oleo oil do cattle make per head?

The statement made before the Senate Committee on Agriculture in 1886 by Elmer E. Washburn, a live-stock dealer in Chicago, showed that from 148,893 head of cattle slaughtered in that city by one of the largest packing concerns there was an average of 61.5 pounds of fat in those animals used in oleo oil, and that those 61.5 pounds made 28.1 pounds of oleo oil, which goes to prove that there is less than 1 pound of oleo oil to 2 pounds of fat. If there were 28.1 pounds of oleo in each of the 5,000,000 head of cattle slaughtered in this country during the same year, this would account for only 140,000,000 of the 166,000,000 pounds in sight. This leaves 24,000,000 pounds to be accounted for. But the oleo people, in all their declarations to Congress and manifestos to the public, claim that only the finest caul fat of the steer is used in the manufacture of oleomargarine.

Experiments made by our present Secretary of Agriculture while dean of agriculture of the Iowa College showed that in 30 steers, averaging in weight 1,538 pounds in weight, there was an average of but 37.66 pounds of caul fat. As it is well known that 1,200 pounds would be a heavy average for the general run of animals marketed there would not be found more than an average of 30 pounds of caul fat in each. As Mr. Washburn's testimony is that it takes more than 2 pounds of raw fat to make 1 pound of oleo oil, it is plain that the average animal will not produce more than 15 pounds of oleo oil from its caul fat. At this rate we can account for but 75,000,000 of the 166,000,000 pounds of oleo oil that makes its appearance upon the market.

These figures have been placed before the oleomargarine makers, and they challenged to show the origin of this extra oleo oil. They have never made any attempt to show us how they get 166,000,000 pounds of oleo oil out of 5,000,000 head of cattle. We are bound to presume, therefore, that they have recourse to some source of supply regarding which they do not care to take the public into their confidence.

On page 15 Mr. Hoard says, in answer to question by Mr. Allen:

Mr. ALLEN. Then how do you account for the balance of oleomargarine in the country?

Mr. HOARD. In my opinion it is made from the refuse fats, as stated.

The CHAIRMAN (Mr. WADSWORTH). How many millions of oleo oil used in a year?

Mr. HOARD. Let me go over that again.

Mr. Hoard reread a part of his prepared paper covering this subject.

The CHAIRMAN. That is what I insisted, that 75,000,000 of the 166,000,000 pounds are those accounted for.

Mr. HOARD. This is so, provided that the statement of the oleomargarine manufacturer is true, that they make it only from caul fat.

Mr. MOODY. Now, if they make it from caul fat you leave it to inference where the other comes from; whether it is from the garbage wagon or where?

Mr. HOARD. Yes; I leave it to inference.

Now, Mr. Chairman, I invite your attention and the House to pages 201 and 202 of the hearing, which contains a statement of the Hon. William M. Springer, representing the National Live Stock Association of the United States, which is a voluntary association, and its membership represents nearly every State in the Union and in all of those where live stock is raised to any extent, and many where only a little is done. Mr. Springer, among other things, said:

There is one other point to which I want to call your attention before I close—that is as to the amount of oleo oil produced in this country.

That argument of Governor Hoard was very ingenious, and it left the impression upon this committee, if you believed his statements, that it would be impossible to have that amount of production of oleo oil in this country unless resort was made to the questionable places to which he called attention, and therefore it was intimated that the manufacturers of oleomargarine must use impure materials in order to make their products. Gentlemen, it seems to me that that is a slander upon the manufacturers of oleomargarine which has all the elements of a criminal libel—to pass upon an honest industry such an imputation as to their goods as that contained in the extract which I have quoted.

If such an imputation was cast upon the dairymen of the country there would be suits for slander all along the line, because it would tend to injure their business, and the person making such statements would be criminally and civilly responsible for the words. What are the facts? The 5,000,000 head of cattle slaughtered in this country, to which he referred, and the statement as to how much oleo oil was made from each steer, do not represent the actual facts. I have a statement here from Mr. Charles F. Martin, secretary of the National Live Stock Association, in an address he delivered at Topeka, Kans., day before yesterday, in which he was referring to the live-stock industry in this country.

Right here, gentlemen, I might say that there is nobody in the United States more competent to speak upon this subject than Mr. Martin. He has been secretary of the association since its organization, giving his entire time to the business of the cattlemen. He states in a public meeting of the Kansas Stock Breeders' Improvement Association then in session that the amount of cattle slaughtered in this country last year was 7,000,000 head. Now mark this: Twenty-eight pounds of oleo oil per steer, which was Governor Hoard's statement, and you would have 196,000,000 pounds of oleo oil produced in the United States. We have a surplus, therefore, of 30,000,000 pounds after you have supplied the amount required for export and home consumption in the manufacture of oleomargarine. It is easy enough to distort facts. It is easy enough to take statistics of one time and make them apply to some other statistics of another time. If you wish to deal fairly, take the statistics as they are. I hold that Mr. Martin is perfectly competent to state the facts upon this subject, and that is what he states.

This statement as to 5,000,000 head was based upon figures concerning the cattle slaughtered at Chicago, Kansas City, and other large cities. It took no account of the vast amount of business done elsewhere throughout the country, at all of which places all the by-products are preserved just as carefully as at the slaughtering houses of the great cities. Hence we have 7,000,000 head of slaughtered cattle to draw from to get the oleo oil necessary to supply the foreign demands and the amount which is required in the production of oleomargarine in this country, and we still have a large surplus of 30,000,000.

That part of Governor Hoard's statement which endeavors to show that the average animal will produce only 15 pounds of oleo oil has no foundation in fact. Mr. Washburn's statement was that there were 61.5 pounds of caul fat to the steer, and not 30 pounds, and that there would be produced 1 pound of oleo oil out of the caul fat. But Governor Hoard said:

"The oleo people, in all their declarations to Congress and manifestos to the public, claim that only the finest caul fat of the steer is used in the manufacture of oleomargarine."

That is true. And if only 15 pounds of oleo oil of the finest quality can be produced from each steer that is slaughtered, and if only 5,000,000 head of cattle are slaughtered each year, the manufacturers would still have 75,000,000 of oleo oil of the finest quality to draw from in order to obtain the 24,000,000 required in the annual production of oleomargarine in the United States.

The statistics for the year ending June 30, 1901, show that there were exported during that year oleo oil to the amount of 161,651,413 pounds. The oleo oil used in the manufacture of oleomargarine for that year was about 28,000,000 pounds. These two items would aggregate 194,651,413 pounds of oleo oil produced in the United States during that year. The product of 7,000,000 cattle, at 28 pounds of oleo each, would amount to 196,000,000 pounds. This amount would furnish our exports for that year and the 28,000,000 required in the manufacture of oleomargarine and still leave a surplus of 1,350,000 of oleo oil unaccounted for in this country.

Gentlemen of the committee, in view of these facts, do you not regard it as unfair for Governor Hoard to parade before this committee and the country such slanderous charges in reference to the manufacturers of a product which all the scientists in the world have stated is a wholesome and healthful article of food for the people? I ask fair dealings at the hands of this committee in behalf of the people that I have the honor to represent here. They are not only the producers of the raw materials out of which oleomargarine is made, but they are consumers, to some extent, of the finished product. On the ranches of the cattlemen of the country butter is not generally produced. On one ranch I know of, where 12,000 head of calves were branded in one year, there was not a pound of butter made. Those people desire to purchase butterine and oleomargarine for their ranches, because they can keep butterine for an indefinite length of time, whereas it would be impossible to supply their employees with butter at all by reason of its susceptibility to rancidity. They want it, therefore, for their employees.

You will observe that Mr. Springer characterizes the charges made by Governor Hoard as slanderous. I say that certainly from the testimony adduced it is unfair, and no honest man should be led off by a statement which has been so conclusively shown to be false. I turn now to page 60 of the hearing and see what Professor Kober says on the proposition of making oleo out of refuse:

Mr. SCOTT. I would like to ask you whether, in your opinion, oleomargarine suitable for the market can be made from refuse-fat grease?

Mr. KOBER. While it is not absolutely impossible, I think it highly improbable.

Mr. SCOTT. You are not inclined to believe, then, the reports which have been circulated to the effect that in many butterine factories the cast-off refuse, from animals which have died natural deaths, or from the hotels and restaurants, is used in the manufacture of oleomargarine?

Mr. KOBER. I certainly do not believe it, and I do not believe there is a professor of hygiene in the United States who believes it.

Mr. SCOTT. Would you mind giving the reasons why you do not believe it? Do you think it chemically possible?

Mr. KOBER. As has been stated, oleomargarine can not be made from fats that have either the slightest degree of rancidity or have a marked distinctive taste—that is, a pronounced taste—that would indicate its having been made of old or rancid fats. The taste would at once indicate that. The object is to get the most palatable product possible, and therefore the interests of the manufacturers are subserved by selecting only the purest fats. If they did not, the product would not sell.

Surely it can not be said that the gentleman who studies science for the purpose of helping the world, for the purpose of science itself, and for the purpose of leaving his name to the people of all ages as a great and learned man, would come here and make a false statement to the Congress of the American people about a matter of this sort. No, gentlemen, your honesty must speak out, and you must be able to say to your people when you return to them to defend your vote if you vote in favor of this measure, or if you are criticised when you vote against it, that you did what your conscience dictated; that you voted from a sense of right; that in your vote was a principle of justice, and that you were not swayed by the statements made by gentlemen who were biased and prejudiced.

The gentlemen who urge this measure before this Congress say that they object to oleomargarine being colored, and yet we find the statements of Mr. Adams and of Mr. Hoard, and of everyone who has been before this committee and has given testimony, that they all color their butter and that the coloring of their butter makes it worth from 5 to 10 cents per pound more; in other words, butter is not always yellow, but the tastes of people are such that they desire butter to look yellow, and in conformity to their desire these honest gentlemen who come here asking for legislation which would strike oleomargarine admit that their butter is not yellow at first, but is made so to suit the fastidious taste of the consumer. Why can not those who are unable to buy this fine butter, who are compelled by circumstances to eat a cheaper product, be allowed to have their product colored to suit their taste? It is a false argument; it is one that will not stand before the people, who, in the end, are the honest judges and determine all things.

There is another question, Mr. Chairman. There is, according to the testimony, a certain amount of butter made in the United States, to wit, 1,500,000,000 pounds, of which amount only 800,000,000 pounds is put upon the market. Figuring, in round numbers, the population at this time at 80,000,000 of people living in the United States, we find that each person in the United States

would be allowed 10 pounds of butter per capita a year. In other words, each day we would have only two one-hundredths of a pound of butter per capita in the United States. This is an awful deficit, and one that must be overcome in some way. Then why, in heaven's name, would you strike down a product which takes the place of butter, which goes hand in hand with butter, which satisfies the rich and the poor, which is acceptable, when without it there would be such a small allowance of butter or its equal to the people of this country? That all this is an argument based upon reason and common sense should be sufficient to kill this bill.

Mr. Chairman, it is not my purpose to make a hero of any man. A man owes a common duty to his people, and simply because he stands up and dares to do that which is right is no reason for any unusual applause. But since my coming to Congress I have observed that all men do not vote upon a proposition as they think they should, and, as the gentleman from Iowa [Mr. HERBURN] said a few days ago, that doubtless a great many votes would be cast upon this proposition by members in which ulterior motives would prevail, and that their votes would not voice their sentiments or their idea of what was just and right. It is a sad commentary indeed upon the honesty and integrity of the American people that they should have representatives here who fear to do their duty according to their convictions.

There stands to-day, though, one in this Hall who certainly portrays all the characteristics of an honest man, a man who has large interests in the dairy product, a man whom I am told is interested in the making of butter from more than a thousand cows, and yet that man is chairman of this great Committee of Agriculture, and although he is opposed by members of his own party on that committee, yet dares to come here and say to this Congress that this bill should not pass; that it is legislation that should not be adopted; that it is legislation that is not for the good of all the people; that it is legislation for the good of a select few; that it is class legislation, and is therefore wrong. Certainly the suggestion of the gentleman from Iowa would not reach Mr. WADSWORTH, of New York. Mr. WADSWORTH's people should be proud of their Representative, and future years of his return to Congress would but prove the value of a man who votes even against his own pecuniary interests in order that he may best truly and honestly serve the people of the entire country. [Loud applause.]

Now, Mr. Chairman, in conclusion I would say that this measure is undemocratic, it is un-American, it is unrighteous, it is as pernicious legislation as it is dangerous, it is unworthy of a great people, of a great Government, of free institutions, and unconstitutional of the Constitution made for all the people with "special privileges to none and with equal rights to all." [Loud applause.]

Mr. HENRY of Connecticut. I ask for a vote.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GREEN] is recognized.

Mr. GREEN of Pennsylvania. Mr. Chairman, the gentlemen of the opposition, wanting substantial and convincing arguments, have grown eloquent in their addresses. They seem to have forgotten that they were not addressing their confiding constituents on the stump but the House of Representatives of a great nation.

They have sought to introduce and discuss irrelevant propositions. They have resorted to quibbles and that favorite resort of the pleader of a weak case, arguments "ad hominem." They have unblushingly loudly proclaimed and used for their premises statements which have no existence in fact. They have by false premises and false logic tried to make the worse appear the better reason.

Not satisfied, they have sought to bully the friends of this bill; hurl denunciation and opprobrious epithets at them; impute wrong and selfish and mercenary motives for their defense, and roundly abuse them in every conceivable way. They may consider it argument to call us Constitution breakers, industry wreckers, enemies of the poor, false friends of labor, creatures of the corrupt butter trust, oppressors of the poor, weak, struggling oleomargarine manufacturer.

Those of us who will vote for this measure and who occupy seats on the Democratic side of this body, who represent Democratic constituencies—men who are steadfast and loyal to the Democratic party and Democratic principles—come in for a still greater share of their abuse.

Many of their speeches ring with the arrogant old plantation strains.

We are called timid and misguided Democrats, and, to cap the climax, are read out of the party. Right here let me say, by way of an aside, that but a few weeks ago this arrogant Representative from the Lone Star State undertook to read out of the party all but about half a dozen of the Democratic members of this House, and seemed to be outraged because we protested and looked upon him as a Jonah instead of a Moses.

My friend's ideas of Democracy are either unique or confused, and we will fling the broad mantle of charity around him. Yet

it is but fair to tell him that there is a little spot in Pennsylvania where the seed of Democracy was planted long before his State had any existence as a State and was but a wilderness where the ancient savage roamed.

That that seed grew up and flourished in the days of the fathers of this Republic; that from that time to this it has ever maintained its pristine strength and glory and its unswerving fidelity to the Democratic party.

In the heart of this section lies the district I have the proud honor to represent, with its quarter of a million people. These people bid me cast their vote for this bill. There are 20,000 farmers dwelling there, all of whom keep milch cows and produce milk and butter. One-fourth of them are extensively interested in the products of the dairy, and ask an honest market for their products. In the two great cities in that district, where dwell one-half the population, they too ask that the imposition and fraud practiced upon them by making them pay butter prices for oleomargarine shall be stopped and they be given what they pay for—honest butter.

Does it not seem strange that some men should insist upon denying to others rights which they vociferously demand for themselves—that of having an opinion?

Such men have the colossal impudence to set up their opinions against those of a vast majority and against the justices of the Supreme Court without ever entertaining a suspicion that there is a possibility of their being wrong. This is noticeable in some of the speeches made against this bill. Its advocates have one consolation, that whenever one of these intemperate and dyspeptic orators addresses this body he makes votes for the measure and increases the already large majority.

Who originated this bill? None other than the representatives of the dairy interests of the United States. Who are back of it, actively pressing the enactment into law of its provisions? Every farmer who keeps cows—every owner of a cow is interested. Every man interested in manufacturing the 1,500,000,000 pounds of honest butter is watching our action. This is the selfish and offensive trust which these gentlemen so loudly denounce.

We may expect them before long to refer to organized labor as the gigantic labor trust, and for the same reasons call them bad names.

The vast army of honest men constituting this so-called butter trust are to be granted no consideration, their rights and interests our opponents say are not to be protected, nor their injuries redressed.

Is it reasonable that this vast multitude would besiege the doors of Congress if they had no real grievance and only sought legislation to raise the price of their products?

I say never. They have a grievance—a great wrong has been done them—a gigantic and extensive fraud has been practiced upon them, and they ask its discontinuance, and invoke to that end the strong arm of their National Government.

Who oppose their demand, and why?

Chiefly those who represent districts where beef and pork and cotton-seed oil are extensively raised and who find a market for an insignificant part of their product at the oleomargarine manufactory.

Many of these advocates of imitation butter start their song with high moral and religious sentiments and urge its defeat on legal, equitable, and even constitutional grounds, but whenever a stanza is finished their chorus is—

"Rally around the beeves, the hogs, and the cotton-seed oil."

Very few gentlemen are really candid enough to give this as the real reason for their intense opposition to this bill; but no one is really deceived by their pretenses. Long ago they have thoroughly convinced their listeners that to them this is a "local issue."

There is no doubt that on that theory, and that alone, can their attitude be explained, and if they would plainly say so and not beat around the bush, we would at least admire their frankness and condone even their bad temper.

An oleomargarine diet seems sure to produce bad temper, and in that respect is very like dyspepsia and a disordered liver.

But what propositions do they advance for arguments?

First. That oleomargarine, colored or uncolored, is nutritious and wholesome.

We answer: True, but the fraud practiced in marketing it is corrupt.

Second. That the enactment into law of the provisions of this bill will decrease and not increase the revenue the United States now derives from taxing oleo.

We reply: In all probability it will, but the bill is not entirely, only incidentally, a revenue measure.

Third. That it is wrong to use the taxing power of the Government to crush out one industry to increase the profit from another.

We say: In the abstract you are right; but this measure will

not crush the legitimate industry, but we hope will wipe out the fraud practiced in its sale when colored and sold for butter.

That the 10 cent a pound tax is punitive and to prevent extensive and notorious fraudulent practices, and we have a perfect right to use this great power in suppressing it, especially as the effects of these frauds are so serious to honest interests, and it is practiced for the sole purpose of giving excessive profits to the maker and seller.

Fourth. They claim that this imitation butter is not sold for dairy butter.

We answer: The statutes passed by the legislatures of 32 States of this Union must prove beyond controversy that the fraud is practiced very extensively, and the States have taken every means to prevent and punish it, with but partial success.

Further, that it is recognized as being practiced even in the States of Georgia, Alabama, Mississippi, Louisiana, and Texas—the homes of many of the bill's most violent opponents.

If any additional evidence on this subject should be asked for, hundreds of instances have been furnished; mountains have been piled on mountains, and many of the opposition admit the fact.

Fifth. It is claimed that the manufacturers do not commit the frauds, and the handlers, and not they, should be punished.

That they are the active parties in the conspiracy—procure, aid, and abet it, and to a large extent profit by it—can not be doubted.

That they pocket enormous profits from the practice of the fraud is apparent and has not been gainsaid. Anyone reading the evidence in the prosecutions in Pennsylvania is overwhelmed by the fact clearly established that the direct agents of these manufacturers are often the instigators of the fraud. They pay large salaries and offer the most tempting inducements to procure subagents; they openly advertise that this butter can be sold for honest butter; they offer to protect their employees from prosecution, and, when prosecuted, from punishment, and to this end agree to pay all fines and legal expenses. They guarantee immunity from prosecution by bribing local and State officials whose duty is to ferret out, furnish evidence, and prosecute the fraud.

I know personally of one instance where a member of my company immediately after muster out from the United States service in the war with Spain only three years ago was offered large pay, indemnity from prosecution, if possible, and the payment of his fine and legal expenses in case of conviction.

One of the purposes of this 10-cent tax levy is to so decrease these enormous profits that the manufacturer obliged to depend upon an ordinary profit can not afford to offer these inducements and shoulder these heavy expenses.

The theory is based upon a knowledge of human nature, that if sufficiently large inducements are not offered men can not be procured to be parties to the practice of these frauds, and I believe that will very generally be the case.

We further answer to the manufacturers' plaint that this bill reduces the tax from 2 cents to one-quarter of a cent a pound on the uncolored product, so that if he sells as much as he does now his profit will be 1½ cents greater than at present if sold at the same price, making the margin of profit very high, higher than in most industries.

Sixth. The assistance of the poor workingman is invoked by these rogues, and it is claimed that he will be prevented from buying oleomargarine when he wants it, and we are assured he does want it. As long as there is a market it will be manufactured to meet the demand and he can get it. He will be a very large gainer by this law, for he can buy very much cheaper. He will get 2 and even 3 pounds for the same money he pays for 1 now.

If it will be more inviting or more palatable to have it colored like butter, the provisions of the bill permit the consumer to color it. One of the stock arguments of the opposition is that the passage of the measure will not produce the results the dairymen seek, as a few drops of coloring matter, a paddle, and a little elbow grease will produce the imitation, even when the uncolored only is manufactured. This I regard as not only the strongest but the only real argument which has been brought against the bill.

The fact remains that the man who wishes to buy oleo will get it very much cheaper and will not be made to pay butter prices for it, and when he wants butter he will get exactly what he buys and pays for.

I am satisfied that last year 80,000,000 pounds of oleo was sold for butter and about \$8,000,000 was taken by fraud from the pockets of the consumers.

It is no wonder that these oleo manufacturers are so clamorous against this proposed law and so anxious to continue the practice of this fraud, for a very large percentage of this reaches their pockets.

Seventh. It is claimed the price of butter will increase and the butter consumer will have to pay more; that this is the only pur-

pose for the enactment of this legislation. As far as its raising the price is concerned, I believe that there is great doubt whether it will, and, if it will, this raise will be temporary.

Dairy products are governed by the natural laws of supply and demand. When profits raise, more people go into the business, and the result is that the price quickly comes down to that which constitutes the cost and the ordinary profit. So it will be with butter when an honest market is given it and it has fair competition with the products of the factory.

One thing is certain, if the provisions of this bill are effective in suppressing the sale of the imitation, when a man wants butter he will get it, even if he does pay a cent or two more, and when he wants oleo he will get it much cheaper.

Controlled by natural laws, when there is a general rise in commodities butter will share in the rise with hay and grain which is fed and labor which is employed.

Eighth. Some claim that the payment of a 10-cent tax by the manufacturer under the provisions of this bill will legalize the sale of oleo for real butter, and the Government thereby is licensing a fraud. Nothing can be farther from the truth. The payment of a 10-cent tax will only allow the manufacturer to sell the colored imitation butter for imitation butter, and the same penalties set forth in this bill and in the statutes of the various States will be enforced and the fraud punished.

Ninth. A very pertinent inquiry has been made and the argument is advanced by the opponents that the enactment of this legislation will not cure the evil, as the oleo may go uncolored from the manufactory, but as it is easily colored this will be done by those who handle and sell the product and by the keepers of hotels, restaurants, and boarding houses.

It is useless to deny that this can be done and it is in all probability absolutely impossible to draft legislation to secure absolute honesty in handling this product from the manufacturer to the consumer, but still this has been corrected as much as possible.

First. The person coloring oleomargarine for sale at wholesale or retail, or who supplies guests in hotels and places of public entertainment, under the provisions of this bill becomes a manufacturer and must have a license and be subject to all the penalties imposed on the manufacturer for infractions of the law, and he must pay the 10 cents to the United States.

These infractions are crimes against the United States and punishable by its officials. We all know how carefully they collect United States revenue, and the 10 cents a pound due the Government by the storekeeper or boarding-house keeper will be collected or he will be punished expeditiously. A double force of officials will be at work to suppress the fraud, those of the State and those of the nation. Both State and national courts will be open to punish infractions. The increased chance of discovery, the severity of the punishment, the small profit to be derived in proportion to the risk run will soon stop the abuse, especially when the manufacturer has ceased to spend large sums of money to procure men to engage in this nefarious business.

The friends of this bill at least ask to try this plan, and have confidence in succeeding in enforcing the law and stopping the abuse.

Tenth. The argument that this is class legislation and protection run mad, we say, has no merit.

By protective tariff the law, by limiting or cutting off entirely foreign competition, forces the consumer in the domestic market to pay a greater price than he would be obliged to pay if there were honest competitive markets. This addition, or a large part of it, goes into the pockets of the manufacturer, forcibly taken as it is by law from the consumer.

But the case before us has no parallel in the cases arising under the protective tariff policy. The butter interests seek no restrictions to be placed on fair or honest competition, and are perfectly satisfied to have all imitations of dairy products in the competition, and are ready and willing to meet them in the open market; but they do claim that that market must be an honest one and that it is not fair that oleo shall be sold for butter and be an honest butter competitor, just as if 100,000,000 pounds of additional butter was forced on the market and, more than that, by every art of the merchant forced on the unsuspecting consumer. Such competition is made greater than that of an equal amount of butter.

As far as the consumer is concerned, no money is forced from his pockets by taxation; by protecting him from the cheat his money is saved and he is protected from being cheated.

So that this is only class legislation, inasmuch as it does with two classes—those who are honest and imposed upon, and the classes represented by the impostors and rogues.

Such class legislation as upholds and protects honest men in their dealings I will by vote and voice always uphold, and the criminal class will always be punished, especially when their wrongs become crying evils in the land and affect large business interests in particular and the public in general.

They are in reality pro bono publico, as are the provisions of this measure.

Eleventh. Finally, the argument is advanced that the bill is unconstitutional; but these arguments have been ably argued and the pertinent authorities cited. These show that the Supreme Court have ruled as constitutional cases which embody the same principle and are practically on all fours with this.

The opposition, unable to refute the strength of these arguments, meet them by declaring that the Supreme Court are all wrong and do not construe the provisions of the Constitution correctly.

We answer, in framing legislation we can not follow the individual opinion of members, but must be guided by the decisions and declarations of the court of last resort, who have the only authoritative right to pass upon the constitutionality of a national law, and when they once say it is constitutional it thereby becomes so and can be put into practical operation. That is what the advocates of oleo legislation seek and must be pardoned if they believe with the court in the constitutionality of this measure.

My vote will not be cast for this bill because I think it will be a revenue producer, but an honesty compeller.

It will be cast in the affirmative for the very reason that it is repressive taxation—repressive of fraud.

And when I cast my vote for this bill I am satisfied that it will be the fair expression of the people of the district I have the honor to represent—it will be a benefit and protection of our large dairy interests as well as the protection of every purchaser or consumer of butter.

Mr. HENRY of Connecticut. I ask for a vote on the amendment.

Mr. RICHARDSON of Alabama. I ask the gentleman to yield to me.

Mr. HENRY of Connecticut. I will give the gentleman some time later. I must insist now upon the debate being closed upon this amendment. I move that the debate on this amendment be closed.

The CHAIRMAN. The question is on the motion of the gentleman from Connecticut that all debate on this amendment be now closed.

The motion was agreed to.

Mr. HENRY of Connecticut. Now, Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read, as follows:

Amend section 1 by adding thereto after the word "butter" in the twelfth line, on page 2 of the bill, the words "of any shade of yellow."

Mr. RICHARDSON of Alabama. I move to strike out the last word of the amendment.

Mr. CHAIRMAN. Debate on this amendment is now closed.

Mr. RICHARDSON of Alabama. I offer another amendment, then.

The CHAIRMAN. Debate on the amendment is closed. The question is on the amendment offered by the gentleman from Connecticut [Mr. HENRY].

The amendment was agreed to.

Mr. RICHARDSON of Alabama. Mr. Chairman, I move to strike out the last word.

In the five minutes allowed me I will not be able to give but an imperfect outline of the views that I entertain in opposition to this bill which has been so ably and exhaustively discussed on either side of this Chamber.

The bill is not of that character calculated to invite or appeal to political partisanship, but it appears to be the product of local interests, for it is sumptuary in its nature. It is a noticeable fact developed in this discussion that in whatever section of the country—North, South, East, or West—the dairy interests were strong and well established, there we find the most earnest advocates of this measure.

I am opposed to the bill, Mr. Chairman, for a great many reasons, which I would gladly elaborate if I had the time. My chief objection to it is that on its face it violates flagrantly and defiantly one of the best-established and most universally-accepted precepts and principles of equity—that as a measure it comes before us "with unclean hands." It proposes to ask equity, but refuses to do equity. I say, Mr. Chairman, apply that cardinal principle to this bill, and what is the result of it? Why, the supporters and friends of the bill in the defense they make for it, in my opinion, are put in the attitude of entering a plea of "confession and avoidance."

They admit that they have imposed a tax of 10 cents per pound, out of which they do not expect to realize any revenue at all. Why, then, the tax? How do they propose to avoid this plea of confession? They frankly admit that the bill is not intended to create revenue. They, by the logic of their own arguments, admit that they are deliberately undertaking by this bill, which bears on its face a misrepresentation, a deceit and a fraud. To do what?

Why, to strike down a rival competing industry—the coloring of oleomargarine so as to make it look like butter—the grandest and the most colossal fraud, they charge, that was ever born on the American continent. Why, I ask, this drastic, this paralyzing effort against so innocent and wholesome commodity as oleomargarine? I pretermit, Mr. Chairman, all my views upon the constitutional question involved in this bill. My time will not permit me. Suffice it for me to say that this character of legislation invites the American Congress into a domain of legislation which seems to me would appeal to the fears and apprehensions of all patriotic and thoughtful men on either side of this Chamber.

I am aware that the highest courts of our country and our most distinguished and leading law writers have frequently said in past years that the jurisdiction of Congress could be invoked and the taxing power resorted to in order to destroy certain "noxious articles of consumption." That proposition can not be safely denied by anyone. Has anyone on either side of the Chamber contended that oleomargarine falls with "the family" of that kind of article? Is it a "noxious article?" Its ingredients are cotton-seed oil, the fat of the hog and the beef cattle, and milk. No man has contended that it was "a noxious article." Stripped, Mr. Chairman, of all the guise, drapery, and false pretenses that able and ingenious gentlemen have thrown around this bill, it stands out "in bold relief" that by and through this bill, yea, by a solemn act of Congress, which falsely pretends to be for "revenue only," we are undertaking to strike down and destroy one industry to promote the interests of another. The bill proposes to say to the farmers who sell their cotton-seed oil and hog and beef-cattle fat to be used as ingredients in making oleomargarine that you shall not make such sale because it interferes with the profits of the sale of butter. The advocates pretend that what they object to is that we color our oleomargarine and make it yellow, like butter. But this can not be true, for the sixth section of the substitute of the minority makes ample and careful provisions against oleomargarine being sold for butter. We are just as much opposed to fraudulently selling oleomargarine for butter as the advocates of this bill are, but we do believe that a man has the right to buy and eat oleomargarine if he wishes to do so, and especially if it is marked "Oleomargarine" and he knows what he is buying.

I know, Mr. Chairman, of no analogy in law, in the experience I have had at the bar, to this kind of legislation save that where men—and you and I have seen them as lawyers—loudly protest that they are seeking to advance the morality, good order, and law-abiding spirit of the community in resorting by prosecution to the arm of the criminal law when in fact and in truth they are seeking to enforce the collection of a private debt. The enactment, Mr. Chairman, of such legislation will establish a dangerous precedent—harmful and vicious in all its tendencies.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WANGER was recognized.

Mr. RICHARDSON of Alabama. I suppose that, under the general rule, I have the right to extend my remarks in the RECORD.

Mr. HENRY of Connecticut. You have that right.

Mr. BARTLETT. I ask unanimous consent that the time of the gentleman from Alabama be extended five minutes.

A MEMBER. I object.

The CHAIRMAN. The gentleman from Pennsylvania was recognized. Does he yield to the gentleman from Georgia?

Mr. WANGER. I yield for a submission of the request.

Mr. BARTLETT. I make the request that the gentleman from Alabama be allowed five minutes more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the time of the gentleman from Alabama may be extended five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. RICHARDSON of Alabama. Now, Mr. Chairman, in connection with what I have just been saying, as evidencing the line of reasoning resorted to to maintain this bill, I point out one instance which my attention has been called to in the speech in the RECORD made in support of this measure by the distinguished gentleman from Vermont [Mr. HASKINS]. I contend that what I now refer to is that specious character of reasoning and argument by which it is sought to sustain the bill. The gentleman from Vermont was attempting to make an explanation, Mr. Chairman, of what Mr. Adams, the pure-food commissioner of Wisconsin, had said before the committee, and the gentleman quotes an explanation of Mr. Adams in regard to what he said before the committee. What did Mr. Adams say? I read from the RECORD.

Mr. Adams said:

I said on that occasion there was no use in beating the devil around the stump, and our purpose in coming to Congress for this bill providing for a 10-cent tax on butterine was to try to practically prohibit the business of the manufacture of oleomargarine colored in imitation of butter.

The gentleman from Vermont [Mr. HASKINS] complained that the minority report did Mr. Adams an injustice, because Mr. Adams had explained that statement. What is the explanation?

This is how Mr. Adams explains it:

They understood me to say [said Mr. Adams] that it was our deliberate purpose to crush this business of manufacturing oleomargarine.

I ask any fair-minded man what is the difference between a deliberate purpose to crush out oleomargarine and a determination on Mr. Adams's part, by use of the 10 cents tax, "to practically prohibit the business of manufacturing oleomargarine colored in imitation of butter?" Why, Mr. Chairman, I have heard, in the course of my professional life, some of the ablest judges upon the Federal and State bench undertake to explain the difference between a "reasonable doubt as to the guilt of the defendant" and the "probability of his innocence." I say I have heard learned discussions on that question, but if the gentleman from Vermont would give us the benefit of his explanatory abilities he could doubtless render valuable assistance to our able courts in the great legal struggle they have made for years in drawing the lines of legal demarcation when a reasonable doubt commences, when it stops, and where it goes. I am opposed to this bill, Mr. Chairman, because it is unjust, unfair, unpatriotic, and un-American. If there is one characteristic of the masses of the American people that stands out boldly all the time it is their love of "fair play." It prevails with them in public and private matters. They despise an effort to take an underhand or a blow "below the belt." They want fair play in all things. Does this bill give it? It uses the strong arm of the law to break down an honest and proper enterprise to put money in the pockets of the dairymen. There is simply no end to such legislation when it once gets a fair start. It simply depends on power, not right. This bill is a skillfully organized appetite of greed and selfishness.

Now, Mr. Chairman, one word more. I have heard with regret a great deal said on our side about making this bill a political test of a man's fealty to the Democratic party. During the short time I have been in Congress I do not hesitate to say that I have seen but few political questions arise that drew strict party lines. It ought to be the desire and the wish of all of us on both sides of this Chamber to keep politics, as far as possible, out of the general legislation of the country. I do not believe that the gentleman from Virginia [Mr. LAMB], who spoke so earnestly in favor of this bill, is any less a Democrat than those Democrats who oppose the bill. I do not apply such tests to my party associates. It does not accord with my idea that on all occasions, large and small, we must make each one a political test. Why, my distinguished friend from Iowa [Mr. HEPBURN] said that we had read out the Bryanites, we had read out the Goldbugs and those who voted for the Philippine bill, and soon, he said, we would not have anybody left in our party.

Ah, I say to my distinguished friend from Iowa, be patient and wait. The Democratic party is all right. We are following the wise advice once given by General Grant. We think we can interpret the signs of the times. We are carefully keeping our own council. We are sitting up straight in the boat. We hear the mutterings afar off, yet very near. We know what perplexing questions are burdening to-day the shoulders and consciences of the Republican party. We know upon whose shoulders is thrown the great responsibility of settling the great and portentous question of whether this country will deal honestly and fairly with Cuba. On this question the eager eyes of the country are on you. We are watching and waiting to see how you are to meet the earnest demand that comes up from all sections of our country and from all classes of the people for tariff reform. Of course, we know that the great trusts are watching you too. We know that the question of selecting the route and constructing the Nicaragua Canal devolves upon the Republican party. When all these great questions are settled, and settled as the Republican party proposes to settle them, the Democracy, with the Bryanites and the Goldbugs and those that voted for the Philippine bill, faithful to their party principles, will stand in solid phalanx, backed by an indignant people, and in next November elect to the House for the Fifty-eighth Congress a majority of Democrats, a hopeful forerunner of the great national contest of 1904. [Applause on the Democratic side.]

Mr. WANGER. Mr. Chairman, as a friend of pure food, I have been delighted at the many expressions in favor of legislation which will produce the much-desired result of having articles of food sold to the public for exactly what they are. In the meantime, as one step in that direction, I cordially favor the measure proposed by the majority of the Committee on Agriculture. And in doing that it seems to me I am the friend of the farmer not only who is engaged in the dairy business, but as well of the farmer who raises cotton, cattle, or any other product which enters into the composition of oleomargarine or any other form of imitation of or substitute for butter.

Now, it seems to me that the friends of agriculture, and especially those engaged in it, and the consumers of the country have a right to arraign the manufacturers and dealers in oleomarga-

rine because they either have not, on the one hand, paid to the producers a fair measure of value of the articles which enter into the manufacture of oleomargarine, or, on the other hand, they have asked an unjust and unreasonable price for their article. If they had devoted but a tithe of the money which they have applied for protection and corruption, and which they have seized in the shape of unreasonable profits, to the purpose of education of the public with respect to the merits of oleomargarine, if it is the healthful, digestible, satisfactory compound that they have claimed it is, it would not have been necessary for them to have masqueraded under a cloak and to have deceived the public as to what they were buying.

I believe that this measure is one step in the direction of having this product exploited before the country upon its merits and everybody informed as to what it really is and getting it at a fair price. And every man who supplies anything which goes into its manufacture is interested in that condition being brought about, if it is a useful, healthful article. Of course, if it is unhealthy, if the pretense that it is as good as butter is false, then let that be known, and let that pretense be taken away from its exploitation in American markets.

Now, this matter of color is a very important thing. I agree that it is a deception as to all articles in degree and in kind, but in a very material kind. Whether you are coloring butter or oleomargarine the color is introduced for the purpose of deception, in the one case as to quality and in the other case as to the nature of the article itself. Nobody will pretend that color in any way deteriorates the quality of butter, and the practice with respect to it began anterior to the manufacture of oleomargarine. Many people—a very large part of the American people—believe that color introduced into oleomargarine induces them unconsciously to take as a substitute for what they intend to get an unhealthy article, one which its makers recognize can not be justified and profitably produced and sold upon its merits, thus cheating the consumer by deceiving him. In this way, as they contend, the health of the consumer is impaired, while at the same time the producers lose a fair share of the returns to which they are entitled for the article which they supply, whether that be butter or the ingredients of oleomargarine.

Therefore it seems to me that in so legislating that oleomargarine must come out from under the mask, must throw off the disguise which has been thrown around it heretofore, and devote some part of the funds now annually extorted by deception from the innocent and defrauded consumers of the country to advertising and the other legitimate methods to introduce a substitute food, we benefit all the farmers, cotton growers, and cattle raisers of the country, and protect consumers in getting the article they desire and not being innocent and defrauded contributors toward their own robbery and that of the agricultural producers of the nation.

[Here the hammer fell.]

Mr. BOUTELL. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out in line 8, page 1, the words "use and consumption" after the word "for."

Mr. BOUTELL. Mr. Chairman, the worst and most startling feature of this bill, the evil spirit animating the measure, the approval of which by this House marks a most dangerous tendency in our national legislation, is to my mind the invasion of the rights of the States and the usurpation by the National Legislature of those governmental functions which the founders of our institutions thought it best for the protection of the people to leave to the local authorities. The plea that this kind of national legislation is necessary to prevent fraud is a sad and most lamentable commentary on the results of the one hundred and thirteen years of our federative system.

We are all equally opposed to fraud and in favor of the proper punishment to suppress it, especially in the matter of food products. When I pay for olive oil, for example, I want to get the product of the olive and not the extract of cotton seed or corn or hogs. When I pay for maple sirup I want to get, and I am entitled under the laws to get, a product of the sap of the maple tree and not a combination of corncobs and glucose. When I pay for honey I am entitled to get bee-made honey and not man-made honey. When I pay for sardines I am entitled to get a Mediterranean fish preserved in olive oil and not a New England menhaden preserved in its own fat. And when I pay for butter I am entitled to get a product of cream and not a product of suet.

But, Mr. Chairman, there is no fraud in the manufacture of oil that looks like olive oil; no fraud in putting up the fish that imitate sardines; no fraud in the bottling of sirup that looks like maple sirup; no fraud in the manufacture of a substance that looks like butter. Neither is there any fraud in the consumption of these imitations. Neither is there any fraud in giving away one substance that looks like another. The legal fraud,

Mr. Chairman, is in obtaining money by false pretenses—by selling something in imitation of another thing.

The prevention of that fraud, Mr. Chairman, comes within the criminal jurisprudence of each one of the separate States. This is a matter that was left by the founders of our institutions to the States; and when gentlemen come in here and plead for this measure as necessary to accomplish the desired result, they must do it evasively. Who ever heard of oleomargarine being taxed by a State? Who ever heard of taxing any imitation product by any State? It is only by the imposition of a national tax—by evasion—that the National Government assumes control, usurps the authority which our fathers left—wisely and rightly left—with the States.

Now, Mr. Chairman, the retention of these three words, "use and consumption," in line 8, page 1, says in effect: "Where a State forbids the use and consumption of an article made in the State, but allows the use and consumption of the same article imported from abroad or brought in from another State, the Federal legislature can come in and say the law of the State permitting the use and consumption of this article is of no effect."

Mr. Chairman, has it come to pass that all of the legislatures of our 45 States have been so shorn of authority that they can not carry out the principles of the common law and their own statutory enactments, but that we must come in here and by evasion, through the subterfuge of a revenue bill which is not a revenue bill, undertake in each State to subvert the laws of the State and inject into their legislative codes in matter not passed upon by the legislatures? [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RICHARDSON of Alabama. I ask that the gentleman's time be extended five minutes.

Mr. BOUTELL. I do not want five minutes. I only want thirty seconds.

The CHAIRMAN. Is there objection to extending the gentleman's time one minute?

There was no objection.

Mr. BOUTELL. And in closing, let me say, Mr. Chairman, that I do not believe there is any man in this assembly who may vote for this measure who, in future years, will not look back upon his action, in strengthening the few weak precedents that already exist, with consternation and regret.

It is no answer to this character of legislation to say that some precedents have already been established. Mr. Chairman, if, in moments of weakness, of prejudice, of panic, we have strayed aside from the paths of wise legislation, let us hasten to retrace our steps and regain the path which alone leads to national safety and honor. [Applause.] And if we pass this measure, let us pass it with these two words stricken out.

Mr. TAWNEY. Mr. Chairman, no bill that will be considered or passed by this Congress will benefit directly so many people or injure so few, if the claims of those opposed to its passage are well founded, as the bill now under consideration. On the one hand, it is intended to protect 70,000,000 consumers and at least 5,000,000 producers of butter from fraud and deception in the sale of an article intended for human consumption. On the other hand, it can affect adversely only 30 manufacturers of oleomargarine, the success of whose business depends upon their ability to evade and break down the laws of the States that prohibit the manufacture and sale of oleomargarine colored in imitation of butter.

Gentlemen on the other side declaim vociferously against its passage because, they say, it will destroy and is intended to destroy the manufacture and sale of oleomargarine, and that this is done solely for the benefit of the dairymen of this country. If this were true, it would not be a serious calamity. This conclusion can only be reached, however, by admitting that oleomargarine when made and sold in its natural color and for that which it is will not be purchased; therefore the manufacture of the product will cease. In other words, they can only sustain their claim as to the destruction of this industry by admitting that oleomargarine can not be sold for what it is, but must be sold for that which it is not—sold as butter—and sold, too, in violation of law and the right of the consumer to know what he is purchasing. If this is so, then, gentlemen, you are right in claiming that this bill will destroy the oleomargarine industry. And in that case the industry should be destroyed, for no industry should exist or be permitted to be carried on whose success depends entirely upon fraud and the doing of those things prohibited by law, which by the logic of your own claim you admit the oleomargarine manufacturers and dealers must do in order to succeed and successfully carry on their business.

A great deal has been said, Mr. Chairman, about the right of the manufacturer of oleomargarine to dispose of his product free from legislative restriction, because it is a healthful food product and entitled to the same freedom in the open market as butter. This, sir, I deny. That it is healthful is not proven. That it

may contain ingredients deleterious to health is proven, and as long as it masquerades in the butter market in the stolen garments of butter it is an outlaw and not entitled to any favor.

We manufacture, in round numbers, annually about 1,500,000,000 pounds of butter. About 700,000,000 pounds of this is consumed by the producers and their families, leaving between eight and nine hundred million pounds to be disposed of in the open market. This market is a butter market, not an oleomargarine market, and belongs to the farmer. There is to-day no established market for the sale of oleomargarine, as there would be if oleo was all its friends claim for it. The butter market should be supplied by butter producers, not by oleo manufacturers. But, according to the statistics of the Treasury Department, at least one-eighth of that market is literally stolen annually from the farmer by the sale of 104,000,000 pounds of oleomargarine as butter.

The testimony before the committee shows that at least 90 per cent of oleomargarine is colored and goes to the consumer as butter at very nearly butter prices. To that extent, therefore, it displaces the genuine product of the farm and to that extent it is a fraud and should be stamped out. If there is a demand for oleomargarine as such, the manufacturer has the undoubted right to supply that demand, but he has no right to counterfeit the product of butter and with his counterfeit take the farmers' market for genuine butter. If there is a demand for oleomargarine as a butter substitute and the manufacturer can show the consumer that this substitute is equal, or almost so, to genuine butter and is cheaper, it would be his right to offer his product in competition with butter, but in that case it could only be offered for that which it is, or as a butter substitute, and the consumer would then know what he is getting and would be protected against the fraud now practiced upon him.

As long, therefore, as the manufacturer of oleomargarine seeks to displace genuine butter in the open market by offering or selling his product to the consumer for butter and at butter prices, so long will the agitation against this spurious product, against this fraud, against this secret violation of State laws be continued, and the farmers fully protected against fraudulent competition, and protected in their right to supply the legitimate butter market of this country.

There is not a manufacturer of oleomargarine, there is not a dealer in oleomargarine, who advertises his product as such in any newspaper of the country. It would be fatal to their business if he did. You can pick up the market reports published in the various commercial centers throughout the United States, and in none of them will you find quotations on the price of oleomargarine. This is so because oleomargarine is not sold for what it is and there is no market for its sale. They sneak into the butter market, as it were, in the darkness of the night, and by fraud and counterfeiting supply the demand for butter, and, being counterfeiters, should be dealt with as such. In so far as they do a legitimate business this bill will not interfere with them or their business.

The laws of 32 States of the Union prohibit the manufacture and sale of oleomargarine in the semblance of butter, and, Mr. Chairman, it is very evident from the amendment just offered by the gentleman from Illinois [Mr. BOUTELL] that the opponents of this bill propose, either directly or indirectly, to break down the laws of these States by permitting the shipment of oleomargarine made in one State into States where its sale in the semblance of butter is expressly prohibited. That is the purpose of this amendment. It will authorize the sale of oleomargarine to the consumer in the original package under the protection of the interstate-commerce law and the original-package decisions of the Supreme Court of the United States, and thus defeat the purpose of State legislation. For that reason the amendment should be defeated.

Mr. WILLIAMS of Mississippi. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Mississippi?

Mr. TAWNEY. I decline to yield. I have had no opportunity to speak on this bill during the general debate, having given my time to members of the committee, and I can not yield now.

Mr. WILLIAMS of Mississippi. Mr. Chairman, upon yesterday in the general debate those on our side had ten minutes more time than those on the other side, and I agreed with the gentleman from Connecticut [Mr. HENRY] to ask unanimous consent that that ten minutes overplus may be given to the gentleman from Minnesota [Mr. TAWNEY] in addition to the five minutes he is now using.

Mr. TAWNEY. I thank the gentleman for his kindness, but I think I can say in the few minutes allowed me all that I care to say upon this amendment. Later, when we come to the discussion of the substitute offered by the chairman of the committee [Mr. WADSWORTH], it is possible I may desire more time.

As I was saying, Mr. Chairman, it is evident that the purpose of the opponents of this measure is either directly or indirectly

to break down the laws of the 32 States of the Union that have been passed for the purpose of preventing the manufacture or sale of oleomargarine colored as butter within these States.

Now, it is admitted by the gentleman who has just addressed the committee that if these words are stricken out it will destroy the jurisdiction of the State over the manufacture and sale of oleomargarine as long as it remains within that State in the original or commercial package. The purpose of this section is to give force and effect to the laws of these States. It is not for the purpose of breaking down those laws that this section is proposed. Under the decisions of the State courts to-day, under a decision rendered about the middle of January last by the supreme court of the State of Maryland—and I cite this only as an example—State legislation is ineffective as against an original package of oleomargarine.

That State enacted a law prohibiting the sale of oleomargarine colored in imitation of butter. Oleomargarine was shipped into the State from another State, and the supreme court of the State of Maryland held that as long as oleomargarine remained a subject of commerce, as long as it remained in the original package, the law of the State had no effect whatever, and in so far as it attempted to prohibit its sale, it was in violation of the Constitution and laws of the United States.

Mr. BARTLETT. Is it not true that the Supreme Court of the United States in at least three cases have decided just to the contrary?

Mr. TAWNEY. The supreme court of the State of Maryland, in the decision referred to just now, went into that question and discussed the apparent conflict between the cases decided in the Supreme Court of the United States, to which the gentleman refers, and held that in the Shellabarger case the Supreme Court of the United States has declared that a State can not prohibit the sale of oleomargarine within the jurisdiction of the State so long as it remains in the original package; and the proposed amendment, I say, is only another attempt to absolutely protect oleomargarine in the original package, or as long as it remains an article of commerce.

For that reason I trust that the amendment will be voted down, for there is no other way whereby you can make effective the laws of the 32 States that have been enacted for the purpose of restricting the manufacture and sale of oleomargarine colored in imitation of butter.

Mr. CLAYTON. May I ask the gentleman a question?

Mr. TAWNEY. I have no time to devote to a colloquy with the gentleman.

Mr. CLAYTON. The gentleman is discussing the law, and I desire to ask him a question.

Mr. TAWNEY. I will answer the gentleman's question, if I can.

Mr. CLAYTON. Section 1 of the bill invokes the commerce power of Congress, does it not?

Mr. TAWNEY. The first section of this bill is simply to meet the original-package decision of the Supreme Court of the United States.

Mr. CLAYTON. Exactly, and it is done under the commerce clause of the Constitution.

Mr. TAWNEY. It is not done under the commerce clause of the Constitution, but it will take away from oleomargarine colored in imitation of butter within a State that has prohibited its sale the protection of the interstate-commerce laws of the United States.

Mr. CLAYTON. I am not asking the effect of it. Now, I desire to know where the power to enact the first section of this bill is derived, if it is not derived from the commerce clause.

Mr. TAWNEY. It is derived from the same source from which Congress derived its power to pass the Wilson bill, making the prohibition laws of the State of Iowa and other States effective.

Mr. CLAYTON. Not at all. The Wilson bill was a tax measure.

Mr. TAWNEY. I beg the gentlemen's pardon. The Wilson bill was not a tax measure. It did not relate to any tax at all. I am speaking of the Wilson law that was passed by Congress after the decision in the original-package case by the Supreme Court of the United States.

Mr. CLAYTON. Mr. Chairman, I thought the gentleman had reference to the Wilson tariff bill.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. CLAYTON. I ask unanimous consent that the gentleman be allowed five minutes additional. I want to ask the gentleman a question.

The CHAIRMAN. The gentleman from Minnesota has yielded the floor.

Mr. HENRY of Connecticut. I move to close debate on this amendment.

The CHAIRMAN. The gentleman from Connecticut [Mr.

HENRY] is recognized, and he moves that debate be now closed on the pending amendment.

The question being taken, on a division (demanded by Mr. HENRY of Connecticut) there were—ayes 76, noes 3.

Accordingly the motion was agreed to.

The CHAIRMAN. The question now is upon the amendment offered by the gentleman from Illinois [Mr. BOUTELL].

Mr. COWHERD. May we have it reported?

The CHAIRMAN. The amendment will be again reported.

The Clerk read as follows:

Strike out "use, consumption," in line 8, page 1, after the word "for."

The question being taken, on a division (demanded by Mr. BOUTELL) there were—ayes 53, noes 66.

Accordingly the amendment was rejected.

Mr. SCOTT. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Strike out all the proviso in section 1, line 7, page 2, after the word "otherwise," and substitute the following:

"Provided, That nothing in this act shall be construed to forbid any State to permit the manufacture or sale of oleomargarine in any manner consistent with the laws of said State, provided that it is manufactured and sold entirely within the State."

The CHAIRMAN. The question is on the amendment of the gentleman from Kansas.

Mr. SCOTT. Mr. Chairman, before addressing myself to the amendment I wish to state that I am paired on this general proposition with the gentleman from Illinois [Mr. GRAFF]; that if he were here he would vote with the majority of the committee, while I would vote with the minority.

Now, Mr. Chairman, I offered this amendment by authority of the minority of the Agricultural Committee, regarding it as one of very great importance. As a Republican I do not bow down to any fetish of States' rights. I believe with all my intelligence and with all my heart that in everything pertaining to the national sovereignty the Federal Government of the United States is, and should be and must be, supreme. Nevertheless I believe in an orderly distribution of the functions of government. I believe that it is not only proper but necessary that matters pertaining to the local government of the various States of this Union should be remitted to the legislatures of those various States. In the commonwealth which I have the honor in part to represent upon this floor no State law has been passed regulating in any way the manufacture or sale of oleomargarine.

There has been no agitation for any such law. We have great oleomargarine factories in that State, and we have great dairy interests there, but they seem to have been able to get along peaceably together; and it does seem to me that so long as the people of Kansas are satisfied with the situation out there the people of the other States of this Union have no right to interfere. It seems to me that if it is satisfactory to us to manufacture oleomargarine in any color, and sell it without any limitation, it is no concern to the inhabitants of the other States of this Union. Therefore, I protest against the insertion of a provision in this bill which shall reach out the arm of the Federal Government into my State and dictate how we shall control and govern ourselves.

I appeal especially to gentlemen on the other side who have been brought up in the atmosphere of State sovereignty. I regret that my colleague on the committee, the gentleman from Virginia, who was so very much in favor of the majority report of this bill, is not now in his seat. I see that he now is. I call his attention directly and particularly to this amendment, for I do not see how, with the associations which have surrounded him from his youth up, he can by any stretch of his conscience vote against this proposition; and I appeal to members representing the majority bill on this floor to accept the amendment, because I can not conceive how any argument can be made against it which will be justified by a proper consideration of what is due to the various functions of government as divided between State legislation and national legislation.

Mr. GAINES of Tennessee. Why do you want the proviso?

Mr. SCOTT. We want the proviso to take the place of the proviso put in the other bill?

Mr. GAINES of Tennessee. Why do you want the proviso in the original bill? Why do you not get rid of it?

Mr. SCOTT. We do not want it really. We would much rather have the bill without it, but inasmuch as such a provision is made in the original bill we propose to change it as my amendment suggests, to shape the bill in such a way that it may be consistent with our ideas of what such legislation should be.

Mr. GAINES of Tennessee. I am opposed to dictating to the States what the States have a right to say and do without the proviso. That is why I object to that provision.

Mr. SCOTT. I am glad to hear the gentleman say so.

Mr. GAINES of Tennessee. What I say is, I object to dictating

to the States as to what they shall do when it refers to matters over which the States have exclusive control and about which the Federal Government has no power to dictate, which is this case.

Mr. SCOTT. If the gentleman occupies that position he will have an opportunity to vindicate it by voting for this amendment.

Mr. BARTLETT. I desire to ask the gentleman a question.

Mr. SCOTT. I yield to the gentleman for a question.

Mr. BARTLETT. I desire the gentleman to state what power or what authority Congress has to say that any State within its borders shall not manufacture and sell to its citizens any product that it may determine to be wholesome and not injurious?

Mr. SCOTT. I deny that it has any power whatever.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELLAMY. Mr. Chairman, if the object of the oleomargarine bill is to protect the citizen from being defrauded, I am in hearty sympathy with its purpose. But if it is merely to protect one legitimate industry from the competition of another, I am very strongly opposed to the bill.

What its object is can only be ascertained by a close perusal and study of the measure and of the testimony of the various witnesses who have appeared before the Committee on Agriculture, published in the pamphlet which has been laid upon the desks of the members of this House.

The first section of this bill reads as follows:

That all articles known as oleomargarine, butter, imitation butter or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory or the District of Columbia and remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits of such State or Territory or the District of Columbia, be subject to the operation and effect of the laws of such State or Territory or the District of Columbia enacted in the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise: *Provided*, That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character, free from coloration or ingredient that cause it to look like butter.

If this section were enacted into law, and if all the other provisions of the bill were eliminated and all other restrictions on the statute book on this subject were wiped out, then the whole matter of the sale of oleomargarine would be left to the States, and each State could protect its citizens from being defrauded, by causing all oleomargarine to be marked as such before being sold in the State, and any person selling it for and as butter to be guilty of obtaining money under false pretenses and punished in a degree commensurate with the crime. Every person interested in good government believes in protecting his fellow-citizen from being defrauded, and every State should have a law making a person who willfully and knowingly sold or caused to be sold any article in imitation of another, as the genuine article, guilty of a felony.

There are many intermixtures which are not injurious or hurtful in their ingredients, but cheap in character, which are sold as a genuine article and the purchaser thereby deceived and made to pay a higher price than he would have paid if he had been informed of the true character of the article. This is immoral, a deceit, and a fraud, and punishable as such at the common law and in many States by statute.

But, Mr. Chairman, is the purpose of this bill to protect the innocent consumer of the article? I think not, as is manifest from a perusal of the third section of the bill.

This section says:

That on and after July 1, 1902, the tax on oleomargarine shall be one-fourth of 1 cent per pound when the same is not made as butter, but when made in imitation of butter the tax shall be 10 cents per pound.

Now, I ask any sensible man if that section does not permit any person to defraud his neighbor and sell him imitation butter if he is willing to pay a tax to the Government of 10 cents a pound? This, Mr. Chairman, makes the Government guilty of a flagrant fraud on its own citizens, a particeps criminis with the manufacturer who makes it. This is a most detestable business, and I will never give my vote to a measure which puts a premium on rascality and not only authorizes but encourages the Government to go into the fraud business, as it is revolting to every instinct of honesty, philanthropy, and patriotism.

But, Mr. Chairman, that section discloses that the true purpose of the bill is to protect the butter maker from the competition of the oleomargarine maker.

If oleomargarine were an injurious article, deleterious to health, every legislator should take pleasure in suppressing its sale.

But all chemists—in fact, I believe that it is the consensus of opinion of scientific experts, chemists, and bacteriologists alike that oleomargarine is both a healthful and wholesome food product, and specially a cheap article of food which is in the

power of every man, however poor, to procure; that it is healthful has been admitted by the advocates of this measure on this floor. According to the best authority the product is made from oleo oil, neutral lard, butter, cream, milk, salt, and cotton-seed oil.

The process of manufacture, I gather from the testimony before the committee, is as follows:

Oleo oil is made from caul fat, the richest and choicest fat of the beef. This fat amounts to about 40 pounds to the animal. It is taken out before the animal is skinned, thoroughly washed, and thrown into a vat of ice water to stand until the following day; then it is cut up fine and cooked. The fat is cooked and placed in linen cloths, and the oil is extracted in a hydraulic press. The residue in the cloths after pressing it is commercially known as stearine. The tallow element is therefore effectually removed. Neutral lard is obtained from the leaf lard of the pig. The leaf, amounting to about 5 or 6 pounds to the pig, is taken out as soon as the animal is killed, thoroughly washed, and put into a freezer for twenty-four hours. It is then cut into shreds and cooked, and after straining presents a snowy white color. Both pigs and cattle are examined by Government inspectors before and after killing, so that diseased animals are excluded.

Oleo and neutral lard, therefore, are the basis of the so-called oleomargarine or butterine. These are churned with cream or milk, salted and colored with annatto or butter color, run through cold water, worked in a butter worker, and placed in suitable packages and labeled, according to United States laws, "Oleomargarine."

Those who are familiar with the manufacture of oleo oil, neutral lard, and the process of making oleomargarine—and I may say here, in passing, that the establishments visited by me appear to court a most rigid inspection—can not fail to have been impressed with the fact that nothing but the most wholesome and pure fats are used, and that the most scrupulous precautions as regards cleanliness are observed in the manipulations.

This extends not only to the material, the utensils, and the workrooms, but also to the person and clothing of the employees, and I can cheerfully corroborate the testimony of Dr. Ames, of the United States Navy, when he declared before the Senate Committee (pp. 348-350)—

"That the manufacture of butterine in properly constructed factories is much cleaner than the manufacture of butter, and that he has found the factories of Kansas City nearly perfect in that respect."

He says—

"It should be more generally used and not looked upon as an inferior article and makeshift for butter, when it is really superior."

Chemical composition of butter and oleomargarine.

	Fat.	Casein.	Sugar.	Salt.	Water.
	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.
Butter	81.36	1.95	1	5.41	11.27
Oleomargarine	84.76	.74	5.49	9.01

The great distinction between butter fat and margarine fat lies in the fact that butter fat contains nearly 8 per cent of the volatile fats, while the margarine has about one-half per cent. In the analysis of these substances this difference is made use of.

As to the wholesomeness and healthfulness of the article, I quote from the same source:

Wholesomeness and digestibility of oleomargarine.—Uffelmann, professor of hygiene, as early as 1890, reported that butterine is nearly as digestible as butter, fully 96 per cent being utilized, and after quoting the experiments on this point of Sell, a food expert of the German health office, declared that no objections should be urged against its use as long as it is properly prepared from wholesome fats and sold under its real name.

Prof. H. W. Wiley, chief chemist of the United States Department of Agriculture, testified before the Senate Committee on Manufactures on adulteration of food products (pp. 14-16) that, from a nutritive point of view, all the fats and oils used as food have nearly the same value as heat producers. Butter fat has a heat value of a little more than 9,000 calories per gram, while the beef fat of oleomargarine has a slightly less heat value, but the butter fat is a little more easy of digestion, so that there is practically no difference in the value of the two fats in the human economy. Cotton-seed oil has practically the same heat value as oleomargarine, and is probably a little easier of digestion. Dr. Wiley considers mixtures of animal fats and vegetable oils to be perfectly wholesome, but objects to the payment of fancy prices by persons in straitened circumstances, who suppose they are getting butter when they are not.

Comparative digestibility of butter and oleomargarine.—The most valuable experiments as to the relative digestibility of butter and oleomargarine were made by Adolph Mayer in 1883 (Landwirth. Versuchs-Anstalt, pp. 215-232), N. Kienzel in 1898 (Oest. Chem. Zeitung, 1, pp. 198-202, and 2, p. 145), and H. Lühring (Zeitschrift für Untersuchung, der Nahr- und Genussmittel, June, 1899, p. 484), with the following results:

	A. Mayer.	N. Kienzel.	H. Lühring.	Average of all experiments.
	Per cent.	Per cent.	Per cent.	Per cent.
Digestibility of—				
Butter	98.40-97.10	96.65	95.69	96.96
Oleomargarine	96.40-95.80	95.64-95.72	96.68-96.70-96.93	96.27

From these feeding experiments it would appear that, while 97 per cent of the natural butter is digested, the digestibility of the artificial product is only about 0.7 per cent less; in other words, the two are practically alike in point of digestibility.

Professor Jolles, in a report to the Imperial Academy of Sciences, in Vienna, March, 1894, arrived at a similar conclusion. Hultgren and Lundergren, the Swedish physiologists, and Wibbens and Huizenga, from the Physiological Institute of Berlin, offer similar testimony. The last-named authors conclude their article in Archiv für die gesammte Physiologie LXXXIII, February, 1901, page 609, by saying:

"Everybody has to cut his coat according to the cloth, and it is therefore a great blessing for all mankind that those who have to deny themselves the regular use of natural butter will find in artificial butter a wholesome and cheap substitute."

As a teacher of hygiene, I have urged upon my students for years to bring

the merits and nutritive value of this food stuff to the attention of the public, and in the interest of the wage-earners of this country to correct, as far as possible, the prejudice which has been created against the use of this product, provided always it is sold under its true name and at its real value. In this opinion I am glad to be supported by the highest scientific authorities in this country and abroad. Professor Schweitzer, of the Missouri State University, in his testimony before the Senate committee, states—

"That careful physiological experiments reveal no difference whatever in palatability and digestibility between butter and the brand of butterine which I have examined."

Professor Barker, of the University of Pennsylvania, considers butterine quite as valuable a nutritive agent as butter. Professor Johnson, of Yale University, says that for all the ordinary and culinary purposes it is the full equivalent of good butter made from cream, and regards the manufacture of oleomargarine as a legitimate and beneficent industry. Prof. J. S. W. Arnold, of the medical department, University of New York, characterizes it as "a blessing for the public and in every way a perfectly pure, wholesome, and palatable article of food." Henry Morton Stevens, Institute of Technology, New Jersey; S. C. Caldwell, of the chemical laboratory, Cornell University; Henry A. Mott, of New York; W. O. Atwater, Wesleyan University, Connecticut, all offered similar testimony.

Now, Mr. Chairman, we are told by eminent scientists that milk from which cream and butter is derived is frequently the cause of epidemics of typhoid fever, scarlatina, diphtheria, sore throat, and erysipelas. I here quote from Dr. George M. Kober, professor of hygiene, Georgetown University, in a statement on butter and butter substitutes, pages 89, 90, and 91, which was made before the Committee on Agriculture on the 14th of January, 1902:

EPIDEMICS OF MILK TYPHOID, SCARLATINA AND DIPHTHERIA, SORE THROAT, AND ERYSIPELAS.

We know now that disease germs may not only survive, but in many instances actually proliferate in the milk, and it is not a difficult matter to point out the many ways by which they may gain access, especially when some of the employees connected with the dairy or farm are also engaged in nursing the sick (as in examples marked †) or are suffering themselves from some mild infection while continuing their usual duties, or are convalescents from the disease. (See examples marked ‡.)

It is quite conceivable how animals wading in filth and sewage-polluted water or meadows may infect the udder or teats with the germs of typhoid fever, and through it the milk. (See instances marked !.) We can also appreciate how infected water may convey the germs by washing the utensils or by deliberate adulterations. (See instances marked §.) Infection may also take place through the agency of scrubbing brushes, dishcloths, and exposure to contaminated air. Last, but not least, the agency of flies and other insects as carriers of the germs to the milk and other food stuffs can not be ignored.

In 1885, in the city of Washington, I had abundant opportunity to observe the influence of flies in the spread of typhoid fever, and so recorded my opinion in my official report.

TYPHOID FEVER.

Of the 195 epidemics of milk typhoid, the writer has collected 110, Mr. E. Hart 69, and Freeman 16. The latter are included in the subjoined table, in which the main facts are presented. In 148 of these epidemics there is evidence of the disease having prevailed at the farm or dairy. In 67 instances it is probable that the infection reached the milk by soaking of the germs into the well water with which the utensils were washed, and in 16 instances, Nos. 7, 51, 70, 79, 103, 104, 113, 114, 115, 116, 120, 130, 133, 134, 149, 152, the intentional dilution with polluted water is a matter of evidence.

In No. 184 the bacteria coli commune was demonstrated in the wash water. In Nos. 149 and 188 it is claimed that the specific germ of typhoid fever was isolated in the water supply, and in No. 189 sewage bacteria were found in ice cream sold by street vendors. In 7 instances (Nos. 12, 83, 121, 124, 131, 147, 178) the infection is attributed to the cows drinking or wading in sewage-polluted water and meadows. In 4 instances (Nos. 144, 151, 163, 189) the infection was spread in ice cream prepared in infected premises. In 7 instances the infection was spread through milk delivered at creameries (Nos. 96, 120, 146, 155, 172, 183, 188). In 24 instances the dairy employees also acted as nurses (Nos. 1, 4, 8, 14, 18, 19, 23, 34, 41, 43, 47, 52, 72, 77, 91, 127, 130, 137, 142, 154, 155, 165, 173, 177). In 10 instances the patients, while suffering from a mild attack of enteric fever or during the first week or ten days of their illness, continued at work, and those who are familiar with the personal habits of the average dairy boy will have no difficulty in surmising the manner of direct digital infection (Nos. 118, 119, 123, 132, 140, 162, 164, 166, 177, 190).

In one instance (No. 28) the milk tins were washed with the same dishcloth used among the fever patients. In No. 159 the man who milked the cows was also the night-soil scavenger, and probably conveyed the germs into his own family. In another instance (No. 177) a boy working at the dairy and who had recently driven a night-soil wagon developed typhoid fever. A sister of the boy was taken sick ten days later, their mother nursed them both and washed the dairy utensils, including a cloth milk strainer. In No. 111 the owner of a milk cow, whose child was sick with typhoid fever, kept the milk in a safe in the sick room, it being the only room at the disposal of this poor widow. In No. 182 Sir Cameron, the health officer of Dublin, believed the milk was infected by absorbing exhalations from the dejecta of the patient while being carried down the stairs.

He placed some enteric dejections close to a vessel of milk, and in ten minutes found that it had become infected, as proved by subsequent culture tests. In this, as well as similar instances, the writer would suggest that the contagion was carried by flies rather than by absorbing exhalations.

SCARLET FEVER EPIDEMICS.

Mr. Hart collected 21 epidemics, Dr. Freeman 5, and the writer 73, making a total of 99 epidemics spread through the medium of the milk supply, the details of which will be found in Table No. II.

In 68 instances the disease prevailed either at the milk farm or dairy. In 6 instances persons connected with the dairy either lodged in or had previously visited infected houses. (See Nos. 8, 9, 10, 11, 15, 45.) In Nos. 12 and 99 it is believed that the infection was conveyed from a fever house visited by the dairyman, who was in the habit of taking his milk can into the houses, and by means of infected empty bottles. In 17 instances the infection was doubtless conveyed by persons connected with the milk business, while suffering or recovering from an attack of the disease (see Nos. 2, 26, 30, 33, 47, 63, 64, 66, 76, 78, 80, 88, 89, 91, 95, 96, 98), and in at least 10 cases by persons who acted as nurses while handling the milk (Nos. 1, 2, 7, 9, 13, 14, 16, 29, 69, 92).

In three instances, Nos. 1, 86, 87, the milk had been kept in the cottage or rooms close to the sick room. In No. 75 the cows had been milked into an open tin vessel, which was carried across an open yard past an infected house, and in No. 59 the milkman had wiped his cans with white flannel cloths (presumably infected) which had been left in his barn by a peddler. Nos. 25 and 49 appear to have been instances of mixed infection of scarlet

fever and diphtheria. In the Hornsey epidemic, No. 87, it was stated that "the milk was distributed by two men, and that at the houses at which one of these men delivered milk there were no cases at all, while at those at which the second man delivered there were 15 or 16 cases. At this man's house a child had suffered from scarlet fever, showing clearly the manner of infection as having taken place by infected clothing, and the germs were most likely conveyed into the milk while this man pushed his arm into the big can to fill the little ones during his rounds."

In 19 instances the infection was attributed to disease among the milk cows; in 4 of these (Nos. 19, 20, 21, 40), the puerperal condition of the animal is blamed. In 9 instances inflammation of the udder or teats was found (see Nos. 34, 38, 44, 46, 65, 67, 68, 72, 75), and in 6 instances loss of hair and casting of the skin in the animals were noted (Nos. 19, 20, 21, 43, 45, 46). As a matter of fact, many of the epidemics of scarlet fever and diphtheria in Great Britain have been attributed to a milk supply derived from animals suffering with local affections of the teats and udder. Thus, in November and December, 1885, an epidemic appeared at Marylebone, St. Pancras, and Hampstead, which W. H. Power traced to a particular milk farm at Hendon, but could discover no sign of scarlet fever at or near the dairy.

Upon examination of the cows some of them were found to be suffering from an ulcerative disease of the teats and udders, and from various other circumstances he inclined to the belief of the bovine origin of this disease. This opinion was shared by the late Sir George Buchanan, who requested Dr. Klein to make an examination of the disease observed among the milk cows at Hendon. The latter found certain micrococci in the diseased tissues and organs of these cows and in the discharge from their teats, and succeeded in growing these in a variety of culture media. Inoculations of calves with this material, whether from cultures or direct from the cow, produced a disease having unmistakable affinities both with the Hendon disease and human scarlatina.

Klein found this microbe to inhabit the tissues and organs both of the human scarlatina patient and of the Hendon cow, and declared that we need no longer hesitate to call it the "micrococcus scarlatinae."

These views were strongly combated by Thin, Crookshank, and Brown, and from the evidence before us we conclude that there is no proof that there is a disease in the cow which is communicable as scarlet fever or diphtheria to man. This question, however, seems to us by no means settled, and is one that merits the most searching investigation by pathologists and bacteriologists. In the meantime there is nothing strained in the assumption that in these debatable instances and in all the epidemics marked with an asterisk (*), i. e., in 35 out of 135 epidemics of scarlet fever and diphtheria, tabulated by the writer, we are dealing with a streptococcus or staphylococcus infection, and it will often be impossible to differentiate clinically such attacks from true diphtheria and scarlet fever.

In addition to Klein's testimony as to the presence of a streptococcus in these cases, Guillebeau made an examination of the milk of 76 cows suffering from udder inflammation, in all of which he found pyogenic organisms, capable of producing similar inflammation when inoculated in healthy animals.

Dr. Cotterill has published epidemics of a febrile sore throat which appeared to be neither scarlet fever nor diphtheria, but nevertheless caused by the milk from cows which had an eruptive disease on the teats and udders. Grey Edwards, in August, 1897, published cases of follicular tonsillitis, in which the staphylococcus pyogenes aureus and albus, and the streptococcus pyogenes (short form) were not only found by Severn, director of a London pathological laboratory, in the suspected milk, and in the milk of a certain animal, but also in the sweeping (culture) from the throat. Moreover, Prudden reports 24 cases of diphtheria, in which all but two he demonstrated a streptococcus, probably identical with the streptococcus pyogenes and streptococcus erysipelatosus.

Baginsky, in 1892, reports that of 154 cases of diphtheria treated under his supervision, in 118 cases Löffler's bacillus was present, while in the remaining 36 only cocci (staphylococci and streptococci) could be demonstrated.

When we further consider that toxins may and do produce a scarletinous exanthem, we feel fully warranted in reaffirming our statement uttered five years ago, that in all the epidemics of scarlet fever and diphtheria which were traced to milk from cows suffering with some inflammatory lesions of the udder or from puerperal fever, we have typical instances of a streptococcus and staphylococcus infection.

DIPHTHERIA EPIDEMICS.

Mr. Hart collected 12 epidemics of milk diphtheria, Freeman 2, and the writer added 22 more, making in all 36 epidemics. (See Table III.) In 13 of these 36 instances diphtheria existed at the farm or dairy, and in 12 instances marked * the disease is attributed directly to the cows having gurgled, chapped, and ulcerated conditions of the teats and udder. (See Nos. 2, 5, 8, 16, 22, 23, 24, 25, 28, 29, 31, 34.) In No. 26 one of the dairymaids suffered from a sore throat of an erysipelatosus character. In No. 33 the patient continued to milk while suffering from diphtheria. In No. 35 the driver of the wagon was suffering from a sore throat, which Professor Howard believes to have been diphtheria, although the bacillus diphtheriae was not demonstrated in this case, the cultures having been made at least five or six days after the subsidence of the throat symptoms and the probable disappearance of the false membrane.

It is, of course, difficult to account for the infectious qualities of the milk in those epidemics where the disease in question could not be found at the milk farm or shop. In the epidemics of so-called scarlet fever and diphtheria which were attributed to inflammatory conditions of the teats and udder, for reasons already given we feel justified in believing that we have to deal with a staphylococcus or streptococcus infection, while in the typhoid epidemics traced to milk farms or shops where no cases of enteric fever could be found, we are either forced to the conclusion that the specific germs remained dormant for a long time, or that certain varieties of bacteria may acquire virulent properties by suitable environments, which, unfortunately, too often exist in connection with milk farms.

The possibility of the infectious germs being carried by flies into the milk should not be overlooked, nor the fact that milk bottles from infected houses and which have been exposed in the sick room may and probably are often the medium of conveying the primary contagion to the dairy, and the health department of Washington, as soon as a case of diphtheria or scarlatina is reported, notifies the dairyman to discontinue leaving bottles, but as Dr. Walsh justly remarks, "there is danger of contagion before the case is diagnosed, or in cases where the disease is not recognized at all."

It is interesting to note that of 135 epidemics of milk typhoid, 99 of scarlet fever, and 36 of diphtheria, a total of 330 epidemics, 243 have been recorded by English authors, 52 by American, 14 by German, and 11 by Scandinavians, and 5 each came from Australian and French sources. This is probably due to the fact that the English and Americans usually consume milk in a raw state, while in Germany, France, and the Continent of Europe milk is rarely used without previous boiling (sterilization). It can scarcely be an index alone of the greater interest taken in England and the United States in preventive medicine.

This is quoted to show that butter made from milk and cream may be, under certain circumstances, very unhealthful, and that,

as a matter of comparison, oleomargarine has at least an equal showing to the respect and confidence of the people as a good food product.

During the debate on the Grout bill at the last session of Congress Mr. Bailey of Kansas, a member of the House, a large cattle raiser, stated that the manufacture of oleomargarine made every beef cattle worth to the owner from \$1 to \$2 per head more by reason of the utilization of the fat for the manufacture of b.itterine, oleomargarine, and similar products. We see, there-

fore, that the man that raises cattle to sell for beef, the cotton planter that raises cotton and sells his seed for oil is entitled to some rights, and his products should not be discriminated against and taxed to give an advantage to the dairymen of the country.

I see from the bulletin just issued to-day by the Census Department from a report made by Daniel C. Roper, expert special agent on cotton-seed products, that last year there were 93,325,729 gallons of cotton-seed oil produced in the United States. His tables are as follows:

Number of establishments, quantity, cost, and average cost per ton of cotton seed crushed; and quantity, value, and average value per unit of products manufactured, 1900.

States and Territories.	Number of establishments.	Cotton seed.			Products.			
		Tons.	Cost.	Average cost per ton.	Total value.	Oil.		
						Gallons.	Value.	Average value per gallon.
United States	357	2,479,386	\$28,632,616	\$11.55	\$42,411,835	93,325,729	\$21,390,674	Cents. 22.9
Alabama	27	172,093	2,019,085	11.73	2,952,254	6,704,951	1,520,834	22.7
Arkansas	20	190,015	2,245,710	11.82	3,188,812	7,224,971	1,644,465	22.8
Georgia	46	271,833	3,246,814	11.94	4,787,100	10,606,093	2,468,386	23.3
Indian Territory	6	26,415	297,939	11.28	446,078	931,885	207,251	22.2
Louisiana	21	250,983	2,833,767	11.29	4,397,891	9,692,640	2,222,782	22.9
Mississippi	41	394,678	4,577,995	11.60	6,671,031	15,033,565	3,364,278	22.4
North Carolina	20	107,660	1,313,663	12.20	1,880,015	4,388,277	979,637	22.3
Oklahoma	6	26,425	247,520	9.37	410,063	937,021	186,761	19.9
South Carolina	48	156,642	2,186,408	13.96	3,043,547	6,162,218	1,545,934	25.1
Tennessee	15	168,307	1,848,829	10.98	2,737,038	6,454,173	1,363,555	21.1
Texas	102	692,604	7,560,061	10.92	11,519,656	24,354,695	5,696,233	23.4
All other States	5	21,731	254,225	11.70	378,350	834,640	190,548	22.8

Of this amount of nearly 94,000,000 gallons the exports of the same were as follows:

Exports of cotton-seed oil, 1870 to 1901.*

Year.	Gallons.	Value. ^b	Average value per gallon.
			Cents.
1870	(°)	\$14,946	—
1871	(°)	140,577	—
1872	547,165	238,545	53.6
1873	709,578	370,506	52.2
1874	782,067	372,327	47.7
1875	417,387	216,640	51.9
1876	281,054	146,135	52
1877	1,705,422	842,248	49.4
1878	4,992,349	2,514,323	50.4
1879	5,352,530	2,232,880	41.7
1880	6,997,796	3,225,414	46.1
1881	3,444,084	1,465,255	42.5
1882	713,549	330,260	46.3
1883	415,611	216,779	52.1
1884	3,605,946	1,570,871	43.6
1885	6,364,279	2,614,592	41.1
1886	6,240,139	2,115,974	33.9
1887	4,067,133	1,578,935	38.8
1888	4,458,597	1,925,739	43.2
1889	2,690,700	1,298,009	48.3
1890	13,384,385	5,291,178	39.5
1891	11,003,160	3,975,305	36.1
1892	13,859,278	4,982,285	36
1893	9,462,074	3,927,556	41.5
1894	14,958,309	6,008,405	40.2
1895	21,187,728	6,813,313	32.2
1896	19,445,848	5,476,510	28.2
1897	27,198,882	6,897,361	25
1898	40,230,784	10,137,619	25.2
1899	50,627,219	12,077,519	23.9
1900	46,902,390	14,127,538	30.1
1901	49,356,741	16,541,321	33.5

* Commerce and Navigation of the United States.

^b The value of cotton-seed oil, at the time of exportation, in the ports of the United States whence exported.

* Quantity not stated.

The destinations of our cotton-oil products are given in the following table, and it is observable that France, from which we get our best sardines and many of our greatest delicacies, consumed last year over 13,000,000 gallons, and yet the possibilities of the use of cotton-seed oil are hardly yet conceived:

Destinations of cotton-seed oil exported during the year ending June 30, 1900.*

Country.	Cotton-seed oil.	
	Gallons.	Value.
Total	46,902,390	\$14,127,538
EUROPE.		
Austria-Hungary	4,824,560	1,448,571
Belgium	1,914,502	591,747
Denmark	487,835	143,779
France	13,565,564	4,075,057
Germany	4,256,573	1,330,240
Gibraltar	11,250	4,000

Destinations of cotton-seed oil exported, etc.—Continued.

Country.	Cotton-seed oil.	
	Gallons.	Value.
EUROPE—continued.		
Italy	2,630,276	874,758
Malta, Gozo, etc.	110,187	\$30,301
Netherlands	9,411,170	2,766,774
Russia, Black Sea	120	40
Sweden and Norway	204,519	56,718
United Kingdom	1,585,496	492,100
NORTH AMERICA.		
Bermuda	30	13
British Honduras	199	74
Dominion of Canada:		
Nova Scotia, New Brunswick, etc.	1,663	596
Quebec, Ontario, Manitoba, etc.	370,932	113,756
British Columbia	22	17
Newfoundland and Labrador	30,874	11,641
Central American States:		
Costa Rica	1,996	861
Guatemala	303	112
Honduras	1,773	591
Nicaragua	5,855	2,148
Salvador	6,743	3,267
Mexico	4,134,679	1,021,613
West Indies:		
British	269,759	85,640
Cuba	123,961	33,135
Danish	7,418	2,530
Dutch	1,410	461
French	475,503	161,119
Haiti	431	200
Porto Rico	15,355	6,639
Santo Domingo	127,669	54,708
SOUTH AMERICA.		
Argentina	135,739	55,621
Brazil	766,842	284,936
Chile	61,081	24,839
Colombia	11,821	4,546
Ecuador	3,261	1,344
Guiana:		
British	75,234	26,177
Dutch	53	22
French	5,300	1,957
Peru	57	17
Uruguay	213,504	84,065
Venezuela	134	55
ASIA.		
Japan	7,366	2,366
Turkey in Asia	7,753	2,341
OCEANIA.		
British Australasia	89,357	32,610
AFRICA.		
British Africa	27,244	7,718
French Africa	611,202	193,299
Portuguese Africa	1,310	423
Turkey in Africa—Egypt	240,928	83,305
All other Africa	6,250	2,600

* Commerce and Navigation of the United States, 1900.

Forty-nine million gallons were exported last year, which left 45,000,000 for home consumption, of which a little less than one-fourth went into the manufacture of oleomargarine. Commenting on the increase of the production of cotton-seed oil, that eminent statistician says:

The increase in the production from 281,054 gallons in 1876 to 5,352,530 gallons in 1879 was much in excess of the supply required for the limited field in which it was then utilized. About this time, however, it was discovered that cotton-seed oil could be advantageously combined with beef fat to make a substitute for lard. Then followed the further discoveries that this oil could be utilized in packing American sardines and, in combination with other substances, in making artificial butter. This increased the demand and gave a permanent stimulus to the industry.

In the year 1899 nearly 9,000,000 pounds of cotton oil went into the manufacture of oleomargarine, and I have just been informed by the statistician of the Agricultural Department 200,000 barrels of refined cotton oil, or 220,000 barrels of crude oil, to obtain which required 250,000 tons of seed to be crushed, were used in said manufacture in the year 1901. At 25 cents per gallon this would be about two and one-fourth million dollars, or, more accurately, about \$2,220,000.

In the hearing before the Senate committee in 1901 Mr. D. A. Tompkins, of Charlotte, N. C., an expert oil manufacturer and statistician, in reply to the question as to how the cotton-seed interests would be affected by the Grout bill, said:

MR. TOMPKINS. I can tell you right now that they have \$6,000,000 worth of interest a year in it if this bill is passed in depreciation of the value of cotton seed. According to my estimate of 3,000,000 tons of cotton seed which are used for making oil every year, their loss would be \$6,000,000 a year—the loss of the cotton-seed people alone. Now, you would bleed the working people of the country of ten millions more, and you would bleed the stock people of five. That is what you would do. That is an estimate of the value, in dollars and cents, of these interests.

Before the same committee Mr. Henry Bond, of Tennessee, representing the cotton-seed interests of that State, said:

Testimony heretofore given before your committee indicates that about 40,000 barrels of cotton-seed oil are used in the manufacture of that portion of oleomargarine that is consumed in this country annually; and while we have no definite data, the impression prevails that more margarine oil is exported than is used here.

The mills of Tennessee will crush this year about 150,000 tons of seed and make over 100,000 barrels of oil, or probably just about enough to fill the requirements of the oleomargarine trade.

The oleomargarine manufacturers, however, use only the very best grades of cotton-seed oil wherever they can find it, and pay higher prices than the mills can obtain from any other source, and we believe that their demands go a long way toward setting the market price for the whole cotton-seed oil production.

After it was known last spring that Congress would not (for some time, at least) further impede the oleomargarine business the price of cotton-seed oil at once advanced, and the advance was maintained all during the summer and fall, until Congress reassembled and renewed the attack upon it. Since then, although other conditions seemed to warrant the expectation of higher prices, oil has declined about 5 cents per gallon, or \$2.50 per barrel, and we believe this decline is due to the threatened legislation against oleomargarine, which deters the manufacturers from making purchases for future use.

Favorable weather all fall and winter had expedited the picking and ginning of the cotton and the marketing of the seed. That part of the business is practically over now, and there is no way in which the mills can protect themselves, so that they alone will have to bear the burden of the loss this season.

Hereafter, however, should the Grout bill or any similar prohibitory measure become law, and these conclusions be correct, the mills, in self-protection, will be forced to reduce the price of seed to correspond with the reduced price of oil, and the farmers will then have to bear the loss.

A decline of \$2.50 per barrel in the price of oil will necessitate a reduction of \$2.50 per ton in the price of seed; and upon that basis the Tennessee mills alone would pay out for the quantity of seed used this year \$75,000 less than they would otherwise do, even if there should be no further decline in the market price of oil; and this loss would fall upon the class of farmers least able to bear it.

This statement applies with equal force and truth to every oil mill, and on the same basis will indicate, on the 2,000,000 tons of seed bought by the 400 mills an annual loss to the farmers of the South of \$5,000,000; and this, mark you, is caused merely by the fear of the enactment of the law. What depression would result from its actual enactment can only be conjectured.

A few words about our product:

The manufacture of cotton-seed oil is conducted entirely by means of machinery, and with the utmost cleanliness. From the time it leaves the fields as seed cotton until it leaves the mills as oil it is not touched by hand. As it is the cheapest edible oil known, it is not possible to profitably adulterate it. Its nutritive qualities are so well recognized by physicians that its use is often indicated by them, even in its crude state, to those of their patients who, suffering from tuberculosis and other wasting diseases, are unable to buy the higher-priced olive and cod liver oils. Its palatability is known by everyone engaged in its manufacture. Though oil mills run only a few months in the year, they never have any trouble in getting hands, and at the time of starting up are usually overwhelmed with applicants. A negro will quit any other job to get where he can inhale the fragrant odor of the oil and drink as much of it as he pleases.

Besides the interests of the cotton planter, cotton-oil manufacturer, the swine raiser, and the cattle raiser, there are millions of laboring people of the United States who are affected by this legislation.

The live-stock associations and the labor unions of the United States have generally passed resolutions against the passage of this law, as they regard oleomargarine to-day as the poor man's butter, and its consumption is rapidly increasing, not only in this country, but throughout the world. It is sweet, pure, wholesome, and cheap, and within the reach of every laboring man throughout the length and breadth of this country.

Labor can afford to purchase it at prices from 15 to 20 cents per

pound. They can not afford to buy creamery butter even at the present price of 35 cents per pound, much less to pay 50 cents per pound, which is the real object of the solicitude of these creamery manipulators. It is one of the tenets of the great party of which I have the honor to be an humble member that it advocates equal rights to all and special privileges to no man. In other words, it contends for those measures which confer the greatest good on the greatest number. It is opposed to class legislation, and both the pending bill and the Wadsworth substitute are obnoxious to the theory of government which is its purpose and mission to establish.

There is not one creamery in the United States where there are 1,000 cotton planters, cattle raisers, and laborers.

Are we, then, by this drastic measure to affect the interest of 1,000 of the good citizens of our country—the substance, the bone, the very sinew of our land—and discriminate against them in favor of the one creamery?

I hope not.

A just government does not discriminate in favor of one class of its people against another. It leaves each class to work out its destiny in generous rivalry, unfettered by restrictive laws, but encouraged to go forward in the development of its work and business, with the confident assurance of the equal protection of the laws of the land.

Now, Mr. Chairman, the wise course for this Government to pursue as to this question, I submit, is this:

Let each article, whether it be butter or oleomargarine, stand on its own merits. Make it severely punishable by law for any person to manufacture or sell oleomargarine shipped to another State unless the package containing it is branded or stamped as oleomargarine.

Or, preferably, give the States, as provided for in section 1 of the pending bill, the power to regulate its sale. The States will pass the proper statutes prohibiting the sale under false pretenses. This remedy will be ample and complete to protect the citizen from being defrauded, and the Revised Statutes of the United States will have expunged from it a most iniquitous and pernicious piece of class legislation.

It is the evil example of unjustly fostering one enterprise at the expense of another, by excessive and unjust tariff laws, which has so seared, if not corrupted, the public conscience as to at last make it respectable for the butter manufacturers to clamor for protection against a legitimate rival industry—not of foreign competition, but one conducted at home by American enterprise, genius, and capital. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. JENKINS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 1447. An act to provide for the purchase of a site and the erection of a public building thereon at Spokane, in the State of Washington; and

S. 3509. An act to transfer the county of Carroll from the northwestern division of the northern district of Georgia back to the northern district of Georgia of the United States district and circuit courts.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring). That the Clerk of the House of Representatives be directed, in the enrollment of the bill H. R. 9315, to insert the word "thirteenth" on page 9, in line 9, in lieu of the word "thirtieth."

OLEOMARGARINE.

The committee resumed its session.

MR. LEVER. Mr. Chairman, my lamented and distinguished predecessor, the late Dr. Stokes, was a member of the Agricultural Committee, which thoroughly considered this same bill last year. He was among the members of the committee who signed the minority report on this bill, and entered his most solemn protest against the passage of the majority report. My great faith in the soundness of his judgment upon all propositions which came under his consideration would be a strong inducement to me to record my vote against this bill. But I have made an independent investigation of the subject, and have found, as I most invariably found during my long association with him, that his judgment was reliable and his conclusions wise and just.

Mr. Chairman, so extraordinary a piece of legislation as is contemplated by this bill should demand of its sponsors and promoters extraordinary reasons for its enactment into law. A bill that purposes to use the taxing power of Congress to restrict and hamper the sale of one industry, honest and legitimate in its character, so that another industry may thereby secure a monopoly of the trade at present divided between the two, should show alarming conditions to insure its favorable consideration by this House.

There should be a general demand for such legislation coming from all the people everywhere, and not a single voice representing a single dollar of vested property or stored-up labor, should cry out against it, before this Congress could be justified in violating the spirit of our Constitution in giving its sanction to this bill. An alarming public need is the only condition that could give a semblance of justification to a measure so arbitrary, discriminating, and unjust in its effects.

There might be extraordinary occasions, such as a depleted Treasury, resulting from extraordinary expenses, incurred, perhaps, in the prosecution of war or in an enterprise of general and public benefit, demanding such extraordinary legislation, in order to meet a public need; but it is hard even to imagine circumstances so exceptional as to justify such an exercise of the taxing power of Congress.

We have looked through volumes of testimony dealing with every phase of this matter, read numerous able and exhaustive articles, followed closely all the elaborate controversies touching this question, and studied carefully the clear-cut and unmistakable decisions of the Supreme Court and the various authorities on constitutional law affecting the issue here presented in a vain and ineffectual effort to find some reason for the remarkable and indefensible position assumed by the advocates of this bill.

Nowhere can there be found solid ground for them to stand upon, and we find them shifting from one position in 1886, when they asserted oleomargarine was unhealthful and unwholesome, to an exactly opposite position taken the other day by the leader of the majority of the committee reporting this bill, when he flew away from the old position, admitted the wholesomeness and healthfulness of the article, but charged that it was being fraudulently sold in competition with creamery butter.

They take a position one day that there is no purpose to destroy the oleomargarine industry, that they are only after its illegal sale, and the next day its stoutest advocates, in cold blood and premeditatedly, substantially declare the intention of this bill to be: the stamping out of the oleomargarine industry. They are like the proverbial flea—it is there and it is not there. You follow these men in their reasoning to a point where it seems they must reach a conclusion and take a position, and before you know it, they have gone off on a tangent, disappeared, gone up in vapor, and you find you have been following a logical will-o'-the-wisp, an argumentative chimera.

A close analysis of their devious windings, however, shows one purpose more distinctly than any other, and that is their disguised intention to drive the oleomargarine manufacturer from the field of competition with creamery butter. Cover it up as they may, the purpose crops out under the fire of debate. For instance, Mr. ADAMS, in arguing the side of the advocates of the bill, exclaimed:

There is no use beating about the bush in this matter. We want to pass this law and drive the oleomargarine manufacturers out of the business.

Another instance, when Mr. Knight, secretary of the National Dairy Union, in his famous letter of May 18, 1900, wrote:

Now is the time for you to clip the fangs of the mighty octopus of the oleomargarine manufacturers.

Another admission of the same purpose, by ex-Governor Hoard, in his testimony last year before the House Agricultural Committee, speaking for the National Dairy Union and the interest represented by it, used these plain words in reference to the purpose of this bill:

In plain words, this is repressive taxation.

I admire the candor of the governor. It is in striking contrast to the hypocritical palaver of some other of the advocates of this measure, whose intentions, though similar to those of Governor Hoard, are disguised in profuse expressions of sympathy for the consumer, who, they say, is defrauded and imposed upon, and for the dairyman, who, they assert, is brought in competition with an article doing an unfair business.

Whoever heard of a trust sympathizing with the man it is fleecing? And it is fleecing both the dairyman and the consumer. Their sympathy is such sympathy as a lion has for the lamb. If there is anything, above all things, which the Almighty looks with favor upon, it is a candid man going at things in a direct way; and I think if there is anything which arouses His supreme contempt and disgust, it is the hypocrite. The world loves an honest and direct man and despises the hypocrite and knave.

The success of the promoters of this legislation in driving a bill similar to the one under consideration through this House by a two-thirds majority at the last session has emboldened them to more fully uncover their positions. They are saying things now which they would not have dared say last year. Governor Hoard has added a later edition to his testimony of last year, and we find him perfectly frank in admitting that this bill is aimed, primarily, at the destruction of the oleomargarine industry. Before the Committee on Agriculture on January 15, 1902, in reply to

the direct question as to his wish if this bill failed to reduce the manufacture of oleomargarine, he said:

In that case, sir, I would come before Congress and demand a still higher tax.

In other words, the Governor wants this Congress to understand that if this bill fails to rid his people of an annoying, yet legitimate, competitor, he will come back here and ask for the passage of a bill which will accomplish that purpose. If this load fails to do the work, he serves notice on us that he will load with heavier shot the next time. Other admissions, expressions, and deductions could be given, but they would only serve as cumulative evidence and have no value in establishing the main point.

I can not see how any fair mind, after studying the testimony as given at the several hearings before the Committees on Agriculture of the House and Senate, can hesitate in concluding that the direct and only purpose of those most directly interested in the passage of the majority report of the committee on this bill is to destroy, root and branch, a successful rival of the creamery butter trust for the supply of butter or butter substitutes to the country. This is the only reason that I can see for the adoption of the majority report.

Congress is to be made the tool with which one individual destroys the property of another. It is lending the Government to the purposes of the robber and confiscator. It is giving governmental sanction to the destruction of legitimate enterprise. It is holding up one enterprise by governmental hands and with the same hand cutting the throat of an equally deserving enterprise. It is subverting the high functions of this Congress to small and mean uses.

Mr. Chairman, we have gotten the purpose of this legislation—the destruction of the colored oleomargarine industry. Let us go one step farther and learn the character of oleomargarine, what it is, and what are its uses. It is a cheap substitute for butter, made of certain products of the cow, hog, and the oil of cotton seed. It is absolutely healthful and wholesome. This is admitted by dairymen themselves, and the consumers of the product, and the overwhelming weight of scientific opinion.

Those who eat the article have had no harmful results from it, and all agree in pronouncing it a very palatable and satisfactory substitute for butter and less dangerous as a carrier of disease germs than the highest-price butter, because it is subjected to a great heat in its manufacture and the germs are killed. It is more palatable and pleasing to the taste than the low-price butter, and is meeting a sale which strongly testifies to its purity and popularity. It is cheaper than high-price butter and as good, and is as cheap as low-price butter and better and more palatable. It meets every requirement of the rules of health, and is a valuable addition to the food supply of the world.

It is a legitimate article of commerce, having all the rights to the protection of the law which such legitimacy gives to every such article of commerce. If there is doubt about the correctness of this proposition, we prove it by invoking the decision of the Supreme Court in the Shallenberger case and the implications carried by the act of Congress of 1886 imposing a 2-cent tax on the colored product. The court in this case, speaking of the effect of the law of 1886 in legitimatizing oleomargarine, uses this language:

This shows that Congress, at the time of its passage in 1886, recognized the article as a proper subject of taxation, and as one which was the subject of traffic and exportation to foreign countries and of importation from such countries. Its manufacture was recognized as a lawful pursuit, and taxation was levied upon the manufacturer of the article, upon the wholesale and retail dealers therein, and also upon the article itself.

At another point, and in the same connection, the court uses language which leaves no doubt as to its meaning. It says:

The article is a subject of export and is largely used in foreign countries. Upon all these facts we think it apparent that oleomargarine has become a proper subject of commerce among the States and foreign nations.

In the light of that language and the testimony of the experts and scientists, the legitimacy of the product is well established, and we are brought face to face with the proposition whether or not Congress has the legal or moral right to use its taxing power to destroy a legitimate article of commerce.

Boiled down to its essence, this legislation attempts to pervert the taxing power of the Government by using it to strike down free and open competition between home industries, giving to one a monopoly, with capacity to raise or lower prices of an important food product at its will, and driving the other from the field of legitimate trade. Does this Congress have the authority in law or morals to destroy an enterprise, honest in its character, which is giving to the wage-earner and laboring man all over this country a cheap, wholesome, and healthful article of food? No one, I believe, has so far forgotten the fundamental principles of right and equity underlying our free institutions as to give a serious affirmative to such a proposition.

The question is elemental, and the merest casual student of the

theories, giving such beauty and strength to our system of government, must unhesitatingly deny to Congress such a right. It is true Congress has the constitutional right to levy taxes for public purposes. In other words, it is within the power and right of this body to lay a tax for the purpose of raising revenue to meet the expenses of the Government. Such taxation would be for the benefit of all the people, without discrimination, and is agreeable to the spirit of our institutions and to our notions of right. Equally elemental is the negative of the principle just laid down.

Congress has no right to use its taxing power except for the purpose of meeting the public need; and when it gives its sanction to a measure whose purpose is not to raise revenues beneficial to all the people alike—for such purpose is affirmatively disclaimed by the sponsors of this legislation and is disproven by the overflowing condition of the Treasury—it goes clearly beyond its power. When legislation is intended to crush one industry that another may exact unrestrained tribute of all the people, Congress violates the letter and spirit of our fundamental law when it gives its approval.

There is entire unanimity of judicial authority sustaining this contention. The doctrine is recognized everywhere and by everyone. Theorist, economist, and constitutional lawyers and writers unite in denying to Congress the right to use its taxing power in the interest of one industry against another. In a case the Supreme Court of the United States uses this pointed language in speaking against governmental favoritism:

To lay with one hand the power of the Government on the property of the citizen, and with the other bestow it upon favorite individuals to aid private enterprises and build up private fortunes is none the less a robbery because it is done under the forms of the law and is called taxation.

Along this same line, and in the same case, the court says:

There can be no lawful tax which is not laid for public purposes.

The power of Congress to make pets and favorites of one industry, of one class of people, at the expense of another industry and to the detriment of another class of people, is here expressly denied by the highest judicial tribunal in the land. Such a perversion of the taxing power of the Government will not and should not be tolerated by the people who have its power always to fear.

If this bill passes this House, Mr. Chairman, and it meets the expectation of its friends, it will violate one of the most sacred rights guaranteed by the Constitution—the right to protection in the use and enjoyment of property. Millions of dollars have been invested in the oleomargarine industry upon the assumption that the usual protection afforded by the Government against interference with legitimate enterprise would be given it. This property has become a vested right in the hands of the individual, and so long as it is used in a way not injurious to the health and the morals of the people, so long as it respects the rights of others and conforms itself to the requirements of the law, it challenges the equal protection of the law guaranteed it by the Constitution.

It is proposed in this bill to forget the Constitution, to forget right and to destroy the property of men who have spent their lives in accumulating it. It is proposed to lay the heavy hand of the Government on a vested right whose only sin is the sin of being the rival of large monopolies already existing, and of contemplated monopolies, the executive officer of one of which, if the press reports are true, is to receive a salary as large as the President of the United States. We are asked to close our ears to the appeals of reason and fairness and to shut our eyes to the bold letters of the Constitution and the various decisions of the courts.

It is sought to have us turn our backs on the dangers lurking in such a use of the power to tax. We are asked to establish a precedent when we know it will bring down upon this Congress, in the future, thousands of demands for legislation whose only object is to drive competition from the field and to establish monopoly of trade. We are asked to give legislative force to the doctrine of might over right, we are urged to cover up wrong with a legislative cloak, and to set an example of governmental favoritism and unfairness. Why give to the world this miserable exhibition of legislative heedlessness and cowardice?

I do not impugn the motive of any man voting for this measure. I take it that he is acting in accordance with his conception of right. I protest against the idea which seems current, that public position makes men dishonest or susceptible to influences which would not affect them in private life. Public men are just as honest as the general public, as a rule. A Representative is the exponent of public honesty just as he is the exponent of public intelligence. He represents as much the virtues of his people, or their vices, as he does their political and individual opinion.

If the public sense of right and justice is warped, the representative of that sentiment will be proportionately warped. In this case I think each man is voting his conscience, and I think he is representing what the conscience of his constituency at pres-

ent seems to be. This bill will pass. That is inevitable. But I believe it will inevitably be repealed. My unshaken faith in the honest intent of the American people and their representatives on the floor of this House gives me reason to think this legislative monstrosity will ultimately meet the fate of all such abortions of justice and right.

Mr. Chairman, the effect of this kind of legislation will be disastrous, and this particular bill, if it passes, will be invoked as a precedent for all kinds of legislation, selfish in its nature and unjust in its effect. It sets the example and asserts the right of Congress to officiously intermeddle with private individuals in their lawful pursuits, lending itself to the one to the destruction of the other. The principle in this bill is just as wrong as the principle which induced Congress to place a tax on State-bank issue in order that national banks might have a monopoly of the banking business of the country. It is a vicious principle whose evil effects are unlimited.

By giving Congress the power to destroy competition we are giving it the power to create monopolies. You say, in substance, that whenever the pressure is great enough, whenever the clamor is loud enough, Congress has a right to come to the rescue of an industry by destroying its competing rival. The moment you assert that principle you throw wide open the door for every class and kind of legislation looking to the destruction of competition and resulting in the creation of monopolies that will eat into the vitals of the body politic, control its legislation, and administer its laws.

This legislation aims specifically at the perpetuation of the butter trust, but its effect will be the creation of numberless monopolies. If it is right for Congress to destroy competition in the interest of the butter trust, is it too great a stretch of the imagination to predict the coming of the day when this same body, acting upon this precedent, reasoning analogously from this example, will legislate out of existence certain unfavored and weak industries in the interest of certain others, stronger and more favored?

The same principle which gives Congress the right to destroy the oleomargarine for the benefit of the butter industry can be called upon to destroy our Southern molasses industry that the maple-sirup industry may be without competition. Why, it is a fact that there has already been introduced into this House a bill in the interest of woolgrowers of Ohio as against the cotton grower of the South. It is almost identical in principle with the one now under discussion. It purposes to hamper and restrict the sale and manufacture of a certain cloth called "shoddy," into which cotton enters as a component part.

The same hypocritical reason is given for the passage of both the bills, and the real purpose in both is to stifle free competition, and thereby perpetuate monopoly. No one objects to labeling oleomargarine so that the consumer may know what he is buying, and the minority report on this bill proposes this, and I am willing to support it. Every safeguard should be used to prevent the fraudulent sale of oleomargarine, and what is said of oleomargarine is equally applicable to the sale of butter which has been renovated and given false color. We should throw no restrictions around the sale of one which we do not throw around the other. Let each tub stand on its own bottom. The deserving will stand the longer.

This body has never been called to pass upon a more drastic piece of class legislation. And what is the reason offered by the advocates of this bill for its passage? It is claimed that oleomargarine is sold fraudulently as butter, and is therefore a dishonest competitor. They say it is possible to make these fraudulent sales because it is given a yellow color—the same color assumed by Elgin butter. They therefore ask for a tax on colored oleomargarine sufficient to drive the industry from the field of legitimate commerce.

The butter men assert a right to the use of the yellow color and come to this Congress and ask it to deny that color to oleomargarine. Butter has no patent right to a yellow color. The truth is, butter is not yellow except during a few months of the year when the cow is feeding upon rich pasturage. During the winter months butter is almost white in its natural color, but when you go to buy it in the market it is always yellow. How comes it so? The beautiful golden tint is added to it, and for the purpose of deceiving the buyer into the belief that he is getting the butter of a fat, sleek, well-fed Jersey cow.

The public has been educated to think yellow is the best butter. It is more pleasing to the eye and is in greater demand, and brings from 5 to 10 cents more per pound in the market than its unfortunate uncolored white companion. Hence the color is added, and poor, inferior, rancid butter is revamped and renovated and colored and is sold for first-class butter. The color is the thing that catches the bird. The trade demands it. Yet the dairymen are asking Congress to forbid to others the doing of a thing which they themselves do, and urge their contention with all the vehemence of pharisaism run mad.

I can not see why we should deny to oleomargarine any privilege which we accord to butter. To give butter color and added value and to deny oleomargarine color, thereby destroying it, is class legislation of the most pronounced type and will come back to haunt this House. It is contrary to the principle of "equal and exact justice to all," and a dangerous field for this Congress to enter into. We have no right to discriminate between equally meritorious industries. In the court of conscience it is condemned. It is unsound and vicious in principle, dangerous and unsafe in policy.

Ten years ago a bill so far-reaching in its effect, so violative of the personal and property rights of the citizen, so infringing upon the power of the States, so discriminating and unjust in the treatment of a legitimate enterprise, could not have been reported from a committee to this House. But in these days of marvelous progress, when men worship mammon, when we forget the traditions of the fathers and go off into a policy despised by patriots, when we shut our eyes to the struggles of a people to be free, when we are the aggressors in a war of subjugation, despoilers of home and fireside, there is no wonder that we should give tolerance to this iniquity.

We are now beginning to reap the whirlwind of protection. The wolves are beginning to tear each other. Those who can not get a monopoly by tariff taxation are coming here to get it by having Congress place a prohibitory tax on the produce of a rival. The whole theory of protection for protection's sake is wrong, and the wrong principle is working itself out in this masked assault upon legitimate effort. You will reap what you sow, is a principle running through national as well as individual life. In protection we have sown to the wind, and in this legislation we are reaping the whirlwind. Shall we go on forever disregarding the principles of justice and heeding the insistency of greed until Right lies handcuffed at the feet of Might?

Mr. Chairman, the practical effect of this bill is the creation of a great butter monopoly, with the power to regulate butter prices to suit itself. The price of creamery butter will go up, to what extent no one can tell. This is measured only by the greed of the monopoly, and ordinarily that is limited only by the utmost capacity of the consumer to pay. The dairymen believe their product will be greatly advanced in value by this legislation, and hence the vim which has characterized their efforts to secure favorable consideration.

In this conclusion reason and common sense concur. When all competition is gone, there is nothing to prevent the monopoly then created from raising the price of butter. Who will be benefited by this? No one except the large dairymen and the butter monopoly. It gives them the power to reach into the pockets of the consumer and demand their own prices for butter. The small farmer, with a few cows furnishing a few pounds of butter each week for sale, will never know the difference, so far as the price received for his butter is concerned.

The local merchant, the local market, will continue to regulate the price of country butter in the future as it has done in the past. Butter raised on our farms, where it is only a very minor product, does not go into the general market, and is not affected by general market prices. A rise in the price of Elgin butter does not carry with it a corresponding rise in the price of country butter. Elgin butter will bring 35 cents per pound in Columbia, while the average price for country butter will not exceed 20 cents per pound. This legislation will help the Elgin manufacturer of butter because it gives him a monopoly, but it will not raise the price of country butter one iota, and will not, therefore, help the producer of the country product. The butter trust alone will be benefited by this legislation.

In support of the contentions here made—that the small farmer will not be benefited by destroying the oleomargarine industry—I want to quote from the testimony of Governor Hoard, and he is the man leading the fight for the butter trust. On page 28 of the hearings before the committee the following is shown:

Mr. SCOTT. I ask you if oleomargarine does not compete chiefly with the cheaper grades of butter, and is it not a fact that it has no effect on the better grades of butter?

Mr. HOARD. No, sir. It sells for the best grade of butter wherever it can be imposed.

The above is a direct refutation of the idea some farmers have been led into having, that by destroying oleomargarine added value will be given to the few pounds of butter that they are able to sell each week. As shown here, the spokesman of the butter interest distinctly denies that oleomargarine comes in competition with the butter made on the small farms, and therefore, whatever might become of the industry, the price of farm butter would not be affected in the least. But the price of butter made by the large manufacturers, who turn out thousands of pounds of butter each day, is affected by the competition of oleomargarine and kept within reasonable limits by it, and that is why oleomargarine is sought to be destroyed.

The solicitude of the friends of this bill for the consumer of butter is amusing in its absurd hypocrisy. They tell us they wish to protect the public from the imposition of unscrupulous manufacturers. They are emphatically silent about protecting the great consuming public against the greed of the butter monopoly. If the wage-earner and laboring man had wished the passage of this bill, he would not have hesitated in making that wish known to the committee. But instead of hearing any demand for this enactment, the spokesman of the great labor organization of this country appeared before the committee last year and strongly protested against this legislation.

Every factory operative, every miner, every laborer who is a consumer of butter, we are assured, enters his solemn protest against this bill which is so inimical to their best interest. They assert the right to choose between butter and a cheap but wholesome substitute, and they claim the right to have that substitute colored to suit their taste.

They tell us that a great many of their more unfortunate number, living in large cities, can not afford the luxury of creamery butter even now, and they predict when the only competitor of creamery butter is destroyed, as it will be by the passage of this bill, when there is no rival remaining to equalize the butter market, giving the consumer a reasonable price, when the butter monopoly is consummated, the price of butter, such as they can get, will rise to such a degree as to put a prohibition on its use by the poor man. It will practically dry up the butter on the bread of the wage-earner, the man who works at the forge and in the factory, whose toil is ceaseless and whose luxuries are few.

Butterine is the friend of the poor man. It stands between him and the butter trust. They tell us we have no right to assume to dictate to them what shall go on their table, and if I mistake not the grit that is in them they will resent such interference with this privilege, and they ought to resent it.

But in addition to the well-founded objection to this kind of legislation, already urged, there are other objections, selfish in their character, no doubt, which intensify the opposition of Southern members to this bill.

When we take into consideration the fact that cotton-seed oil is one of the chief ingredients of oleomargarine, it is not surprising that a majority of Southern members, representing the great cotton belt of the country, should note most carefully every phase of this question before giving their assent to the bill. To pass this bill is to hurt the cotton-seed industry of the South. In proof of this proposition I quote from resolutions adopted by the cotton-oil superintendents from North Carolina and South Carolina at Charleston, S. C., July 6, 1900:

That this association implores Congress not to destroy an industry which now uses nearly 10,000,000 of the best grade of cotton-seed oil annually, and thus kill that quantity of our most profitable output.

In this same connection, to show the effect of this legislation and to call attention to the magnitude of the cotton-seed industry in the South, I desire to make a few extracts from the statement of Mr. Oliver, representing the cotton-seed-oil men of the two Carolinas and Georgia, made before the Committee on Agriculture last year. I want to show just the amount of money that this bill will drive out of the South, and just the amount of money the cotton producer, the farmer, gets out of this industry. He said:

The cotton-seed-oil interests of the South have invested in plants not less than \$50,000,000. The working capital necessary to conduct the business is not less than \$50,000,000 more, making \$100,000,000 employed in the business. The mills have converted a product, namely, cotton seed, which was once considered a perfect nuisance by the farmers and ginners, into an article bringing to the cotton planter millions of dollars and to the laboring man millions more and to the railroads a large and profitable tonnage in and out, amounting to millions of dollars in freight. There has been paid to the cotton producers this season not less than \$40,000,000 for about two-fifths of the seed produced. There has been paid to the railroads to haul the seed in and the products of oil mills out not less than \$15,000,000. There has been paid to laborers dependent upon the manufacture of cotton seed at least \$10,000,000, making a grand total paid out by the oil mills of not less than \$65,000,000, and this for a product that forty years ago was considered absolutely worthless, and for only two-fifths of the seed produced, the balance being used on the farms for fertilizing and for cattle feed.

The cotton-seed industry is in its infancy. It is easily within the memory of many of the members of this House when cotton seed were considered by the majority of farmers as of no value whatever except as a fertilizer. But the discovery of the value of cotton-seed oil and cotton-seed meal has developed a market for cotton seed which has made the by-product at least a third as valuable as the product itself. In other words, cotton seed forms about 30 per cent of the value of the cotton crop.

The cotton grower, the farmer, the large farmer and the small farmer, the man who raises a hundred bales of cotton, and the man who raises only one is directly and vitally interested in the defeat of this bill, which will cripple the cotton-seed oil industry, and thereby greatly lessen the demand for his cotton seed. As just stated, the cotton-seed business is young. As yet it is hardly out of its swaddling clothes. To what extent it may ultimately

develop if unhampered by discriminating legislation is reasoned out by the gentleman just quoted. He says:

If the oil mills are not crippled by adverse legislation in this country and others it is only a matter of time when all cotton seed not required for planting will be worked up in oil mills, creating a market value for the seed, money paid out for transportation and labor, from a crop of 12,000,000 bales of cotton, a grand total amounting to at least \$150,000,000, or about one-half of the value of the cotton crop itself.

This gives an idea of what the cotton-seed business may mean to the South. One hundred and fifty millions of dollars added to the property value of the South! One hundred and fifty millions of dollars for one farm by-product! To destroy that industry means something to the farmer of the South, and he is protesting against this bill, this stab at one of his most valuable and developing products.

The cotton-seed industry in South Carolina alone amounted last year—and it is rapidly increasing each year—to over three and one-half million dollars. The actual value to the farmer—the cotton grower—was over two and one-quarter million dollars. Who can estimate what that value will be ten years hence? And shall we pass this bill and cripple that enterprise which is and is to be of such vast importance to the cotton farmers? As business men, viewing a business proposition, we can not vote for this bill, but we oppose it on higher ground than this, and upon these higher grounds we are willing to have the country judge us.

I am against this bill, because we have no constitutional authority to use the taxing power of Congress to destroy a legitimate article of commerce. I am against it because it gives added powers to the National Government, and that is dangerous and undemocratic. I am against it because it seeks to destroy competition and create monopoly, and that is un-American. I am against it because it is the rankest kind of class legislation, and that is contrary to the genius of our institutions. I am against it because it makes this Congress a party to a mean and contemptible assault upon an honest product, and that is cowardly. I am against it because it is governmental favoritism, and that is unfair. I am against it because it is applying the Republican doctrine of protective tariff to home industry and seeks to inaugurate an internal tariff movement, and that is dangerous. I am against it because it sets a bad precedent for legislation, and that is unwise. I am against it because it is a violation of the rights of vested property, and that is wrong.

There is no principle in law or morals that will sanction it. There is no doctrine of Democracy agreeable to it. Every instinct of justice and right protests against it. Every precept of reason, every example of wise statesmanship point to its dangers, and bid us avoid them.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I desire now the close attention of Democrats that have committed themselves to the passage of this bill without amendment through this House, or think they have. I think I can convince anyone of them that he should vote for the amendment just offered by the gentleman from Kansas. I ask the studious attention of the gentleman from Tennessee [Mr. GAINES] and the gentleman from Virginia [Mr. LAMB] and of those good Democrats from the good old State of Missouri, who happen to be wrong, from my standpoint, on this issue, to this amendment, at any rate.

Mr. Chairman, on page 2 of the bill there is a proviso, and that proviso reads as follows:

That nothing in this act shall be construed—

Mark you the language—

shall be construed to permit any State to forbid the manufacture, etc., of oleomargarine.

Mr. GAINES of Tennessee. Will the gentleman allow me?

Mr. WILLIAMS of Mississippi. I can not, for I have only five minutes. If the gentleman will let me go along I will explain what he wants to know much better than I could in answer to a question.

Now, I want gentlemen to understand the proviso:

Nothing in this act shall be construed to permit any State to forbid the sale or manufacture of oleomargarine.

Why should a State be "permitted to forbid" the sale and manufacture of oleomargarine if it wanted to, under its police powers? Now, gentlemen have said on the floor of this House that that proviso was put here to meet certain objections which I made to the bill, and that will bring me along to the right line of thought.

My objection was, before the proviso was put in, that the Federal Government in attempting to carry itself on the lines of interstate commerce and the taxing powers into the State, in the control and licensing of this business, had infringed on the reserved rights of the State, and I therefore wanted a proviso to safeguard them. The gentleman from Kansas has offered the proviso that will safeguard them, and I shall read it to the House, so that the House shall see what ought to be the proviso in the bill, but what is not. The proviso now in the bill is absolutely absurd on the very face of it, and, if not absurd, it contains an

inherent or latent assertion of a right to forbid to a sovereign State the right to forbid, or to permit a sovereign State to forbid, the sale or manufacture of an article.

Now, here is what we offer in place of it. I say that no man who believes in the rightful distribution of powers between the Federal Government and the States, who believes that Congress ought not to attempt, by innuendo or otherwise, to trench upon those rightful powers, can vote against this proviso:

Provided, That nothing in this act shall be construed to forbid any State to permit the manufacture or sale of oleomargarine in any manner consistent with the laws of the State, provided that it is manufactured and sold entirely within the State.

The effect of this is simply that nothing in this act shall be so construed as to forbid the State of Texas, for instance, from chartering an oleomargarine factory, which shall manufacture and sell oleomargarine, provided only that it manufactures it and sells it entirely within the State of Texas. I call the attention of the gentleman from Virginia to it. I call the attention of the gentleman from Tennessee to it. I call attention of the gentlemen from the great Democratic State of Missouri to it.

Mr. GAINES of Tennessee. I do not need any castigation in regard to my position upon this proviso. I have been against it all the time—both in the original bill and in the amendment. Neither are necessary.

Mr. WILLIAMS of Mississippi. I am glad to hear it.

Mr. GAINES of Tennessee. I have been doing all that I could within the last four days on this floor to oppose that proviso, and I shall continue to do so as long as it is in the bill. I do not need any castigation.

Mr. WILLIAMS of Mississippi. Mr. Chairman, far be it from me to "castigate" the gentleman from Tennessee. Nobody deserves it less, and nobody would receive less of it at my hands. But I had understood from the character of questions being asked by the gentleman that he was in favor of this bill; and I have understood from the spirit which has been shown here "all along the line" that there was a solid phalanx coming up to vote for the bill, without any amendment whatsoever. Now, I say to the gentleman from Tennessee that unless this amendment be adopted I do not think he or anybody else who believes that the States have left to them and ought to have left to them one solitary vestige of reserved rights can vote for this bill unless this proviso is taken out and this substitution made.

[Here the hammer fell.]

Mr. JACKSON of Kansas. Mr. Chairman, it is my object and purpose to support the majority bill, not because it is the best that the mind might conceive; not because it meets with my hearty and unqualified approval, for it does not, but because as between the two bills the majority more nearly accomplishes the object and purpose desired. I am informed that sundry amendments will be suggested; but until I know their nature and character, of course I can not tell which, if any, one of these amendments I will support. I regret exceedingly that on this measure many of the Democrats are not fully in accord with some of our Democratic brethren in the South. From the remarks just made by the distinguished gentleman from Mississippi [Mr. WILLIAMS] I judge that the Democrats who do not support the minority bill will be excommunicated. But inasmuch as no Democratic caucus has undertaken to make this a party issue; inasmuch as there are almost as many true and loyal Democrats supporting the majority bill as the minority, I have no fears of my standing in the party. [Applause.]

The fact is, in the last two days of general debate many foolish and unwise things have been said; statements have been made which would far better have been left unsaid; and if but a small per cent of the statements made are true, not only should the majority bill pass, but there should be some drastic measure to purify this legislative Hall. However, I am sure that the statements were made in the heat and passion of debate, and there was no intention to impugn the motives and integrity of any member.

Because we can not all think and see alike will not justify us in questioning the purity of motive of those with whom we do not agree. Almost all who have taken part in the general discussion seem to have forgotten the real question at issue; each has sought to outdo the other in devotion to the farmer and laborer. Why not strip this question of all subterfuge? Why not deal with it honestly, frankly, and candidly? Surely the farmer and the laborer have enough to bear without being the scapegoat of fraud and rascality. [Applause.]

In my judgment it is not a question as to whether oleomargarine is pure and wholesome; it is not a question whether or not you may prefer oleomargarine to butter, or vice versa; it is not a question as to which industry, if either, would be benefited or injured by this legislation. The all-important question in its final analysis is simply one of right or wrong.

Is it right to permit oleomargarine to be so manufactured that

it can be either fraudulently used or sold for butter? Shall we permit one industry not only to impose upon the consumer, but also its competitor. In a word, shall we make it possible that the consumer shall have the opportunity of knowing whether he is buying and using oleomargarine or butter?

Both bills seem to recognize this right to the consumer; both bills seem to recognize that the industry ordained and created by God should not suffer by reason of any unjust and unfair imposition. Both bills concede that oleomargarine has been, is to-day, and will continue to be, sold and used in the name of butter unless there is some legislative restraint. This seems to be an admitted fact.

Personally I know nothing with reference to this question other than as I gather from the testimony taken before the committee and the two reports which we have before us. I neither affirm nor deny that oleomargarine is being sold and used in imitation of butter. But when it is admitted and conceded to be a fact, then why should we not adopt some measure which will be drastic enough to remedy the wrong of which we complain? In other words, if we are to legislate at all, and if oleomargarine is being fraudulently used for butter and thereby necessitates legislation, why not legislate in an intelligent manner and in such a way as to accomplish the purpose? Why should we have impotent legislation, as suggested in the minority bill?

The gentlemen who support this minority bill may be able to fool some of the people, but they can not fool all the people. Each speech which has been made in behalf of the minority denounces the majority bill as class legislation. Even my colleague from Kansas [Mr. SCOTT], in the strongest possible language, not only denounces it as class legislation, but insists that we are seeking to build up one industry at the expense of another. And yet I find that he, as a member of the committee, joined in the minority report.

The minority bill recognizes that a certain class of consumers shall have the right to know whether they are using and purchasing oleomargarine or butter, but denies that right to all of the citizens. It recognizes this right to a selected class, but they give no legislation stringent enough to accomplish the purpose. In effect, it simply means that if you have home and family you shall not be defrauded in this way; but if you are not fortunate enough to have either home or family, if you belong to that vast army of men and women who, either through poverty or taste, depend, for a consideration, upon the table of another, then you are not entitled to any consideration. [Applause.]

Mr. Chairman, the minority bill is a decoy; it is a shift and a device. Every speech made by its reputed supporters has been the strongest indictment of its perfidy. The minority know that if their bill is right in principle, so is the majority bill. They know if the majority bill is wrong in principle, so is the minority bill. There is no halfway ground. Both bills admit and concede that oleomargarine is fraudulently disposed of for butter, and the minority has not the manhood and courage to prevent that fraud. [Applause.]

Sir, I take no interest in the clamor about class legislation. A few of my Democratic brethren have become so embittered by reason of the iniquitous protective policy of the Republican party that they have lost their discriminating faculties. The purpose of this bill is not to destroy an industry. It is aimed at a fraud and to protect the consumer, and also to give to the housewife, the dairyman—yea, the cow, an honest competitor. [Applause.] It does not seek to destroy the manufacture of oleomargarine, nor will it have that effect so long as it is manufactured and sold honestly and does not impose on the public by claiming that it is something which it is not. If it is dishonest; if it will not come out and be an open, honorable competitor with butter, then, sir, it should be required to pay a penalty for its dishonesty. It is true the minority speak lightly of this question of imitation and deception and refer to the numerous imitations of household ware. They should remember that two wrongs do not make a right; if lawyers, they know that a man who sells an article making representations as to the nature, kind, and quality of the article, and the person relying on such representations purchases the same and pays a price for the article as represented, and if it is not the character and quality of the article as represented, then the vendor is guilty of fraud and may be prosecuted.

Such a law does not have for its object and purpose the protection of the manufacturer of that article, but seeks to protect the citizen. I deny that there is any class legislation in this. We are seeking to destroy fraud and deception. We are maintaining and insisting that the citizen shall have the right to be informed and know that when he demands butter he is receiving the article for which he pays his money. If, by such legislation, we injure an industry it is but the reflex action of wholesome legislation. We must understand that the underlying and fundamental principle of this Government is the greatest good to the greatest number. The barons, who have made untold millions by reason of a

protective tariff, would have the same right to say to us—who believe that the tariff is unjust—that it would be unfair to their interest to reduce the tariff, and if we did so reduce it would be class legislation.

Sir, there is no more class legislation in this bill than that given us by the great Lawgiver, approved and ratified by every State in the nation, when it was said, "Thou shalt not murder; thou shalt not steal." Every man who commits a wrong against his fellow-citizen has the same right to complain of class legislation if you seek to punish him. If you say that the manufacturers of oleomargarine are honest, I answer that when they make a product in imitation of butter, and when they know, as the evidence before this committee discloses they do know, that by reason of that imitation it is sold to some of their customers for butter, they are guilty of fraud. They are particeps criminis.

In my judgment it does not become the manufacturers of oleomargarine to discuss class legislation. It does not become them to seek to avoid their own dereliction by claiming that some one else is as guilty as they. In my experience as a lawyer I never knew of a criminal who was not anxious to mitigate his offense by calling the attention to other people who were also guilty. If oleomargarine is all that its friends claim it to be, it should have no objections to this bill, but should accept this opportunity to come before the people as an honest product, advertising and insisting that it is far superior to butter, and let the people have an opportunity to determine whether or not they prefer oleomargarine to butter.

Mr. Chairman, for my part I sometimes become weary and heartsick with the constant cry that the Government can't do this and it can't do that. Standing in the daybreak of the twentieth century, we behold marvelous things which this Government has accomplished. Many of these things have been done over the persistent and vehement protests of "can't." [Applause.]

This Government, sir, is all powerful; this Government is the people, and the people can do anything with their Government that they desire, in so far as it affects their rights. This Government is to-day doing many things of which I do not approve; it is doing things which I trust and hope the people will, in their sober second judgment, change and modify. I trust and hope that the Government will always be for honor, integrity, liberty, and freedom. I trust and hope it will ever be the sworn enemy of fraud, deceit, tyranny, and oppression. [Applause.]

In my judgment, the Government has a right to strike down fraud wherever it may be, and invoke such means as is necessary to accomplish it. I maintain that it is the duty of the Government to protect the citizen in all of his rights where he can not in the exercise of his political rights protect himself.

This is an age of progress, and we must keep abreast of the times. New conditions are constantly confronting us, and we should be able to meet these conditions bravely and courageously. I believe in progress, and I believe it should be along the line and principles of the Declaration of Independence. I am very sorry to hear some, especially my Democratic brethren, so bitterly oppose the taxing provisions of this bill. The taxing power is one of the mighty arms of the Government. It is to be used for the protection of the Government, for justice, for equality, for honor, and should not be used for oppression and injustice. To-day we have a great problem before us, a question which is engaging the attention of the ablest men of the land. The tyrannical trusts of this nation are sapping the vital cord of individuality and destroying competition. It is a question that must be solved, and some of the ablest men of our party are advocating to-day taxation as the best and most efficient remedy.

If we deny this power of taxation by the Government, as claimed by some of my Democratic brethren, then we will have to look for other and different means by which to remedy this evil. I notice in the minority report on the bill for the reduction of the war taxes that our Democratic brethren advocate taxation as one of the means to destroy the trusts of this land. We, as Democrats, are in favor of an income tax and therefore we should not be so hasty in denouncing the power of taxation as some have been in the general discussion on this bill.

I have, Mr. Chairman, consumed more time than I had expected, but I desire to submit one further thought. The minority insist that they represent the interests and welfare of the farmer and laborer. If this be true, then why do they insist that the object and purpose of the bill is to break down one industry and build up another. The one which they say we seek to build up is the honest product from the cow, and therefore the one in which the farmer and laborer are most interested.

This bare statement is sufficient to take the mask from their faces and expose the absurdity of their claim. The farmer and the cow, in one sense, are collaborators, and legislation that protects their product, by giving it honest competition, can not be other than helpful. It will be beneficial to the laborer, because

it will permit him to obtain oleomargarine at a less cost and expense than he pays to-day. It gives him the option of determining whether he wants butter or oleomargarine, and while not increasing the price of butter, will decrease the price of oleomargarine.

Mr. Chairman, within the history of the Republican party this is the first time when a goodly number of them have advocated a measure to help the farmer and the laborer, and I feel that we should show our appreciation by making it unanimous. Let us be thankful for small things; let us trust and hope that it is a good omen for better legislation in the future. [Prolonged applause.]

Mr. ZENOR. Mr. Chairman, I had not thought in the first place of participating in the discussion of the bill that is now pending before the House; but, representing a district composed largely of agricultural interests, and I may say a district that contains no oleomargarine industries and no large dairying interest, but composed largely of farmers scattered through the district, as most districts represented by gentlemen on this floor are composed, I feel it to be my duty to state my position on the bill. I think that I am free from any particular prejudice, and not subject to the influence of any special interests, in my advocacy of the passage of the majority bill introduced by the Agricultural Committee.

I have been surprised, Mr. Chairman, at the course of argument that has been pursued by many gentlemen upon our side of the House, as well as by many gentlemen upon the other side of the Chamber. I regret and deprecate, as did my colleague from the State of Missouri, the spirit that seemed to animate some gentlemen in the discussion of these two different measures. I have been unable to recognize the necessity for any gentleman on this side in the discussion of the merits of this proposition to undertake to arraign any Democratic brother because he, in the exercise of his judgment, in the position he takes on this proposition, differs with those who take an opposite view.

Mr. Chairman, a discussion has been injected into the consideration of this bill in reference to the clause in the first section of it. I have been unable to discover anything in the phraseology of this particular provision of the bill, this proviso, that attempts to transfer to the Federal Government any power not already possessed, or attempts to reach out into and interfere with the exercise of the sovereign powers of any State of this Union. It merely provides that this act shall not be construed to permit any State to forbid the manufacture of oleomargarine in a certain manner and form.

It seems to have been the purpose of the authors of this bill to preclude any inference that might be drawn upon the part of the legislatures of the States that this bill conferred authority upon those legislatures to exercise any additional power in their legislation against oleomargarine. It is simply a provision as a precautionary measure. It confers no power upon the legislature. It restricts the legislatures of the States, according to my view, in no respect whatever, and in that sense I take it that it is not undemocratic nor unconstitutional.

I have listened with amazement to some gentlemen who, in speaking upon this bill, say that it is not only a violation of the Constitution, but that it is a violation of all the traditions of the Democratic party; that we have always been opposed to any legislation imposing taxation for the purpose of building up one industry at the expense of another or to tear down one industry to upbuild another.

I take it, and according to my view, this legislation has grown out of public necessity, out of a demand upon the part of the great body of the people of this country, the great farming interest of this country, the great agricultural interest of this country, not that a tax be imposed upon one industry for the purpose of building it up or for the suppression of another, but to suppress a fraud that is admitted by those who advocate the minority bill and those who oppose the passage of either one of these bills.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ZENOR. Mr. Chairman, I ask for five minutes more.

Mr. HENRY of Connecticut. I shall have to object to any extension of time.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman from Mississippi [Mr. WILLIAMS] has risen in his seat here to-day and pointed out "the gentleman from Tennessee" and "the gentleman from Virginia" as though they had been derelict in their duty and their Democracy was getting below par.

I want to say to the gentleman that I was the first man upon the floor of this House who discovered the very matter that he has brought to the attention of the House to-day, and that I asked the gentleman from Minnesota [Mr. MCCLEARY] to explain that provision, and then he said that the gentleman from Mississippi [Mr. WILLIAMS] was the author of it. I looked around through the House and finally found the gentleman in the cloakroom, and asked him to explain this provision, and asked him if

it did not restrain existing State rights. The gentleman [Mr. WILLIAMS] came upon the floor and disclaimed any connection with the authorship of this provision in any way.

Again, when the first section of this bill was read this morning, I approved all of it except the proviso beginning at the word "otherwise," line 7, page 2. I objected to that, and have repeatedly done so heretofore. I do not know whether the gentleman from Mississippi [Mr. WILLIAMS] was in his seat or in the cloakroom. I was on the floor working at this matter, trying to perfect this bill, if possible; trying to remove objectionable provisions and substitute proper ones.

I objected to this proviso because I thought that it encroached upon existing State laws and State rights. Then the gentleman from Kansas [Mr. SCOTT] rose and said, as did others, that he had an amendment to cure the trouble I was pointing out. So that, Mr. Chairman, I have been just about as industrious and about as Democratic as the gentleman from Mississippi, learned and experienced as he is in this House, classic in his knowledge, and always patriotic and Democratic. I am opposed to the proviso in the bill, but the amendment removes the objection greatly; but neither is necessary.

I am a better Democrat, it seems, than the gentleman from Mississippi, because I say the States already have the right, and I am opposed to Congress undertaking to give to the States what they already have. Let them stand on their own rights when they have them, and not depend on Congressional action as to them.

Mr. WILLIAMS of Mississippi. Will the gentleman allow me to ask him a question?

Mr. GAINES of Tennessee. Certainly.

Mr. WILLIAMS of Mississippi. According to your position, which I think is a good one, this entire section ought to be stricken out.

Mr. GAINES of Tennessee. No; only the proviso. The first part of the section strengthens the powers of the States.

Mr. WILLIAMS of Mississippi. Let me ask the gentleman this. Here is a section which undertakes to say the States shall have certain rights, and, in my opinion, it does not say it with sufficient clearness. Now, we offer a proviso which clearly says that nothing in the act shall be construed to forbid any State to permit the manufacture or sale of oleomargarine consistently in its own lines, provided the sale is within its borders. This is simply a limitation upon the intimation of the Federal authority.

Mr. GAINES of Tennessee. The States have that right. The States have the right to prohibit the manufacturing of a thing within their limits, even though the article manufactured may afterwards become interstate commerce or is made to ship into some other State.

Mr. WILLIAMS of Mississippi. I think so.

Mr. GAINES of Tennessee. Why, then, do you want either proviso? The States have these rights without this amendment, regardless of Congress.

Mr. WILLIAMS of Mississippi. Without this proviso I think legal questions will arise and suits would arise.

Mr. TAWNEY. Will the gentleman from Mississippi allow me to ask him a question?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. TAWNEY. I desire to ask the gentleman from Mississippi this question: Wherein does anything in any part of section 1—that is, with the proposed proviso—interfere with the States and the rights of the States authorizing the manufacture of oleomargarine if sold within the States?

Mr. WILLIAMS of Mississippi. I find it in the probable assumption, Mr. Chairman—in the reservation, at least—that the rights of the States are dependent upon a declaration of the Congress of the United States.

Mr. GAINES of Tennessee. Exactly. That is the position I have taken all the time.

Mr. TAWNEY. Then why not strike out the proviso?

Mr. WILLIAMS of Mississippi. I want to limit it—

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS of Mississippi. To strike out the entire thing, because—the gentleman has asked me a question, Mr. Chairman, let me answer it—because if the States already have this power this bill is unnecessary to give it to them. If the States already have not this power then it is an attempt on the part of Congress to divest itself of a power that it now has and vest it in the States. Therefore neither is clear, and I think no part of it would be necessary at all, but you contend that it is, and then the part of it which I offer is to restrict and limit the purview and scope of it.

Mr. TAWNEY. The States have the power you contend for to control the sale of oleomargarine when not protected by the interstate commerce.

Mr. HENRY of Connecticut. I now move that all debate upon the pending amendment be closed.

Mr. GAINES of Tennessee. They have committed a fraud upon me in taking my time, but I suppose I can not help it.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. LAMB. Allow me one suggestion.

The CHAIRMAN. The motion is agreed to, and debate is closed on the pending amendment. The Clerk will report the amendment.

The amendment was again read.

Mr. WANGER. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WANGER. Is a division of that question possible, so that we can have a vote separately on the motion to strike out this proviso and another upon the substitute?

The CHAIRMAN. The motion to strike out and insert is indivisible under the rules.

Mr. LAMB. I rise to a parliamentary question.

The CHAIRMAN. The gentleman will state it.

Mr. LAMB. Would it be in order to move to strike out all after the word "otherwise," in line 7, and offer a substitute for that? As a member of the committee, I desire to say that if my friend from Mississippi had made that speech in the committee we could have considered it then.

Mr. WILLIAMS of Mississippi. The gentleman made that speech two years ago, and they put this proviso in to meet his objection.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. WANGER. I desire to offer an amendment to the amendment.

Mr. WILLIAMS of Mississippi. This is a substitute pending before the committee.

Mr. WANGER. I desire to offer an amendment to the substitute.

The CHAIRMAN. The gentleman from Virginia [Mr. LAMB] made a parliamentary inquiry which the Chair was not able to answer, owing to the debate that immediately ensued. Will the gentleman state the proposition again?

Mr. LAMB. I ask, Mr. Chairman, if it would be in order to move, as a substitute for the motion pending, to strike out all after the word "otherwise," in line 7, down to line 12, on page 2?

The CHAIRMAN. The Chair thinks that would not be in order. The question is on the motion to strike out and insert.

Mr. WANGER. Mr. Chairman, I move to amend that amendment by striking out that part which relates to "and to insert" and all that follows.

The CHAIRMAN. That would be a subdivision of the proposition that is forbidden by the rules.

The question was taken; and on a division (demanded by Mr. SCOTT) there were—ayes 72, noes 54.

Mr. HENRY of Connecticut. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. HENRY of Connecticut and Mr. SCOTT.

Mr. UNDERWOOD. Mr. Chairman, I ask how many members voted for tellers?

The CHAIRMAN. The Chair counted until he saw that there were more than 20, and that being sufficient, he ceased counting.

Mr. UNDERWOOD. Is not it necessary to have one-fifth of a quorum?

The CHAIRMAN. It is. The Chair counted up to 20, and 20 being sufficient, he stopped.

Mr. UNDERWOOD. I make the point of order that the Chair did not ascertain the number voting for tellers.

The CHAIRMAN. The Chair announced that there were more than a sufficient number. The chair counted to 20, and ceased counting as there were more than 20, and that was a sufficient number. If the gentleman from Alabama raises any question, the Chair will count again. Does the gentleman challenge the count?

Mr. UNDERWOOD. No, Mr. Chairman; I do not challenge the count.

Mr. GROSVENOR. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. The gentleman from Ohio asks that the amendment be again reported. Is there objection? [After a pause.] The Chair hears none.

The Clerk again read the amendment offered by Mr. SCOTT.

The question was again taken; and the tellers reported that there were—ayes 96, noes 66.

So the amendment was agreed to.

Mr. BARTLETT. Mr. Chairman, I ask that the Clerk read the amendment which I send to the desk.

The Clerk read as follows:

Amend section 1 by adding at end of section the following:

"Provided, however, That none of the provisions of this section or of this bill shall apply to or be enforced against healthful and wholesome food prod-

ucts manufactured in whole or in part out of pure cotton-seed oil, or food products in the production of which pure cotton-seed oil enters as an ingredient."

[Mr. BARTLETT addressed the committee. See Appendix.]

Mr. ZENOR. Mr. Chairman, when I yielded the floor a few minutes ago I was about to say that during the course of this discussion I have listened attentively to the arguments of those opposed to the passage of the majority bill. It is not denied by those who are opposed to the bill that upon its face—according to the language and phraseology employed in the original bill—it is constitutional. It is conceded by every opponent of the bill that upon its face there is no constitutional objection appearing. This question has passed under the discussion of not only this Congress, but through the Fifty-sixth Congress; and in 1886 the constitutionality of a similar law was very thoroughly discussed.

I wish to call the attention of my distinguished friend from Texas [Mr. BURLESON] to the position then taken by the very distinguished Representative from that State then on this floor—Judge Reagan—who in a discussion of that bill, although opposed to its passage as a matter of policy, virtually conceded that the measure itself was constitutional.

That bill, Mr. Chairman, as it was originally introduced by the committee proposed, as this bill proposes, to impose a tax of 10 cents a pound upon the sale and manufacture of oleomargarine. The tax was, however, finally reduced to 2 cents per pound. But the same principle was involved.

Now, Mr. Chairman, in reference to the question of invoking the power of Congress to impose taxation for the purpose of regulating the sale of oleomargarine, a confusion, it seems to me, exists in the minds of some gentlemen in relation to this particular phase of the question. No Democrat here, I presume, would be in favor of the imposition of Federal taxation for the purpose of crushing out any industry of this country. It is foreign to any purpose of mine.

I would oppose as strenuously as any man on this floor any proposition to impose any kind of tax upon any particular industry for the purpose of building up or helping another industry. It is not the industry that this tax is directed against. It is not for the purpose of crushing out the manufacture of oleomargarine that we are asked now to vote a tax of 10 cents a pound. This bill is directed against the practice of fraud as now carried on by the manufacturers of oleomargarine and the wholesale and retail dealers.

Gentlemen make comparisons, and say that we are in favor of taxing out of existence one industry for the purpose of protecting another industry. The great body of the farmers of this country do not demand any such discrimination. The great body of the agricultural interests in this country do not demand invidious legislation at the hands of Congress. They are the last people on earth who would ever come to Congress in the form of a trust or otherwise to demand special legislation or favoritism at the hands of Congress of the United States.

Ah, my friend, they are the only people who ordinarily, when measures of legislation involving their interests are pending here, are not heard in the lobbies and in the hotels of the city of Washington. When a measure is introduced here looking to the conservation of the interests and welfare of the farmer, the welfare of the agricultural interests, the welfare of the great dairy interests, it seems surpassingly strange that members of this House, professing their fidelity and devotion to the farmer, are found upon the floor of this House ready and willing to denounce the representatives of the dairy interests and the advocates of a bill calculated in my judgment not to wipe out, crush, or cripple a legitimate industry, but to protect the great body of the people—not only the farmer, not only the dairy interests, but the consumers all over the country—against the imposition constantly and continually practiced by the sale of oleomargarine.

I believe in this bill for the reason that I am in favor of bridging the chasm that lies between the cost of the manufacture of this article—this colored oleomargarine in imitation of butter—and the immense profit that the manufacturers make in putting it on the market and selling it as butter in competition with the product of the dairy interests of this country. I think if you bridge the chasm, if you will wipe out this large profit, you will thereby destroy to a certain extent the incentive of these gentlemen to perpetrate and practice these frauds, and for that reason I am in favor of this bill. [Applause.]

This subject has been the study of the most thoughtful and best-posted men of the whole country, since the practice of fraud and deception in the sale of this article has attracted the attention of the public by its rapid growth and development, and this majority bill, which is substantially what is so well-known through the entire country as the "Grout bill," seems to be the final culmination of this thought and study and the best and most efficient remedy to crush out this fraud and deception and force these two rival and competing food products to take their legitimate

places in the markets of the country upon their own intrinsic merits—to be sold and purchased for what they really are. It is admitted on both sides that the coloring matter used in the manufacture of oleomargarine to imitate and look like yellow butter adds nothing to the quality, nothing to its digestibility or nutrition.

The sole and only purpose of its use—so say its advocates—is to adapt it to the taste and fancy of the consumers. But, Mr. Chairman, I very much fear that this reason is not the real, not the true one. I suspect, as the courts have held, that this coloring matter is used in the manufacture of oleomargarine as a means to destroy the power of the public to discriminate and distinguish between the oleomargarine and pure butter in the markets, in the hotel, boarding house, and restaurant. We want merely that these two articles shall be exposed for sale for what they are; that the consumer may know when he buys a pound of butter that he is getting butter, and if he wants a pound of oleomargarine that he can procure the same at a price that it is really worth, and not be compelled to pay the higher price of dairy butter for the cheaper and inferior article.

According to the report of the Commissioner of Internal Revenue for year ending June 30, 1901, there was manufactured of oleomargarine 104,943,856 pounds. This would, it is true, not be more than 1½ pounds per capita of our population, while the dairy interests have invested, according to conservative estimates, in the whole country, about \$2,500,000,000 in plants and equipments. The butter products of the country amount annually to about 1,500,000,000 pounds, and amount in the aggregate to about the sum of \$500,000,000. There are at least 5,000,000 of people engaged in the dairy interest, and every farmer, large or small, makes more or less butter for the market, and it is no inconsiderable part of his income.

About 700,000,000 pounds are consumed by the producers, and the remaining 800,000,000 pounds placed upon the market. I grant you that this is not a full supply of butter. I am aware that if our people could buy and were able to supply themselves with butter to the full extent of their wants and needs that all the butter and oleomargarine produced would not supply our people with more than 19 to 20 pounds per capita of our population, but this, I take it, will not excuse the flagrant, open, and notorious violation of the laws of thirty-two States of the Union against the fraudulent practices of the oleomargarine interests in manufacturing and selling their product in the butter markets of the country for pure butter. Let this bill be enacted into law, and under its operation let this substitute for butter enter the race of competition with the dairyman and farmer; but let it do so in its natural state, in its original condition, without wearing the guise and mark of its competitor, without seeking the markets under false and deceptive pretenses, and the dairy and farming interests of this country will not protest, will not complain, but will take pride in the rivalry and hold the primacy in the markets of the world with their superior and unexcelled food product. [Applause.]

Mr. CLAYTON. Mr. Chairman, I rise to challenge a statement made by the gentleman from Kansas [Mr. JACKSON]. He said that the essential principles underlying the bill reported by the majority and the minority were the same. Mr. Chairman, there is not a lawyer in this House who will read these two measures who can come to that conclusion. The bill reported by the majority invokes two powers conferred upon Congress by the Constitution. The first section of that bill invokes the commerce power conferred upon Congress and seeks to subvert that power to a use which is unauthorized. Read that section and you will see that it is to get rid of the effect of the original-package decision. It is also an attempt on the part of Congress to delegate to the States, in some degree, certain power and control over the purely domestic commerce of the State. Furthermore, Mr. Chairman, it violates in other particulars the proper construction of the commerce clause of the Constitution.

The substitute bill offered by the minority is a revenue bill, pure and simple. There is not a regulation in the minority bill except regulation to enforce a revenue law and for the purpose of the collection of revenue.

Every man here admits that Congress, under the taxing powers of the Constitution, has the power to impose a purely revenue tax upon oleomargarine, whisky, and the like. The power of Congress to levy taxes for the purpose of raising revenue to support the Government seems only to have been limited by the decision of the Supreme Court which says you can not tax the income of the idle holders of idle capital to defray the governmental expenses.

Mr. Chairman, one provision of the majority bill invokes the taxing power of Congress. From the beginning, power to tax has been held to be distinct from the commerce power of Congress, which ought never to be used except as a means for regulating interstate commerce and foreign commerce and trade with the Indian tribes. The commerce power of the Congress should not be used as a means to exact taxation from the people.

Mr. Chairman, the reserved rights of the States are invaded in the majority bill. In my opinion the reserved rights of the States are not invaded in the minority bill. The majority bill seeks to destroy the reserved power in the States to regulate their own domestic affairs. What difference is it to New York or Pennsylvania or Wisconsin that the people of Missouri and Alabama are permitted by their States to eat butter or to make and eat oleomargarine, or to make and drink white whisky or red whisky, or to drink branch water, as it may suit them. [Applause.]

[Here the hammer fell.]

Mr. TAWNEY. I ask for the reading of the pending amendment.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read as follows:

Amend section 1 by adding, in line 12, as amended, after the word "yellow," the following:

"Provided, however, That none of the provisions of this section or of this bill shall apply to or be enforced against healthful and wholesome food products manufactured in whole or in part out of pure cotton-seed oil or food products into the production of which cotton-seed oil enters as an ingredient."

Mr. TAWNEY. Mr. Chairman, I move that all debate on the pending amendment and on section 1 of the bill be closed.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on the pending amendment and on section 1 of the bill be closed.

The motion was agreed to.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Georgia [Mr. BARTLETT].

The question being taken, on a division (demanded by Mr. BARTLETT) there were—ayes 34, noes 67.

Accordingly the amendment was rejected.

Mr. TAWNEY. Mr. Chairman, at the request of the gentleman in charge of the bill, who is temporarily absent, I offer in behalf of the majority of the committee the following amendment to section 2.

Mr. WADSWORTH. The section should be read.

Mr. TAWNEY. I withhold the amendment until the committee amendment has been acted upon.

The CHAIRMAN. The Clerk will proceed with the reading of the bill by sections.

The Clerk read as follows:

SEC. 2. That on and after July 1, 1902, the tax upon oleomargarine as prescribed in section 8 of the act approved August 2, 1886, and entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," shall be one-fourth of 1 cent per pound when the same is not made in imitation of yellow butter; but when made in imitation of yellow butter the tax to be paid by the manufacturer shall be 10 cents per pound, to be levied and collected in accordance with the provisions of said act.

The following committee amendment was read:

Strike out all of the section and insert in lieu thereof the following:

"SEC. 2. That the first clause of section 3 of an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' be amended by adding thereto, after the word 'oleomargarine,' at the end of said clause, the following words:

"And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family and guests thereof without compensation, who shall add to or mix with such oleomargarine any ingredient or coloration that causes it to look like butter shall also be held to be a manufacturer of oleomargarine within the meaning of said act and subject to the provisions thereof."

Mr. TAWNEY. Mr. Chairman, I offer the amendment which is at the Clerk's desk.

The CHAIRMAN. The gentleman from Minnesota offers the following amendment to the amendment.

The Clerk read as follows:

Amend by striking out of the committee amendment all after the word "oleomargarine," in line 2, page 3, and insert the following:

"Approved August 2, 1886, be amended by adding thereto after the word 'oleomargarine,' at the end of said clause, the following words:

"And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family and guests thereof without compensation, who shall add to or mix with such oleomargarine any ingredient or coloration that causes it to look like butter of any shade of yellow shall also be held to be a manufacturer of oleomargarine within the meaning of said act and subject to the provisions thereof."

Mr. TAWNEY. I will state, Mr. Chairman, that this amendment changes the bill as reported only in this respect. After the word "oleomargarine" in line 2, the words "approved August 2, 1886," are inserted. Then, in line 9, after the word "butter," the words "of any shade of yellow" are inserted. That is the only change in the proposed amendment. The rest of it is a mere recital of the language of the section as it was reported originally from the committee.

The first change is essential, because it omits to perfectly describe the act it proposes to amend, as it omits the words "approved August 2, 1886." The second is in line with the amendment the committee has already adopted in section 1, by inserting the

words "of any shade of yellow." That is the only change this amendment makes in the section as reported by the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the committee.

Mr. WADSWORTH. I offer the following amendment.

The CHAIRMAN. To which the gentleman offers the following amendment.

The Clerk read as follows:

Strike out, in line 5, page 3, the words "person and that" and insert "and any retail or wholesale dealer in oleomargarine or butter or any corporation, including manufacturer of butter who;" also, in line 6, after the word "others," strike out all down to the word "who," in line 7.

Mr. WADSWORTH. Now, Mr. Chairman, to my mind the most objectionable—

The CHAIRMAN. The committee has already adopted the amendment offered by the gentleman from Minnesota.

Mr. WADSWORTH. That is very true; but mine is another amendment.

The CHAIRMAN. It is an amendment to that which the committee has already adopted. The original text would be open to amendment, but not the language of the amendment of the committee.

Mr. WADSWORTH. I supposed I had the right to offer any amendment to that section which did not interfere with his amendment, and I am offering that amendment.

Mr. TAWNEY. I make the point of order that the gentleman's amendment should have been offered to the amendment offered by me.

The CHAIRMAN. The amendment should have been offered before. Is there objection to its being considered now?

Mr. WADSWORTH. I offer the amendment as an amendment to the amendment.

The CHAIRMAN. The amendment having been agreed to by the committee, it would not be competent to offer an amendment to that.

Mr. GROSVENOR. Mr. Chairman, the committee has the right to offer an amendment to the section. If that had been in the way of perfecting the section it would have been in order for the gentleman from New York to offer an amendment to the committee's amendment when offered. Now, the section has been perfected, and it is now subject to amendment. Any other rule than that would simply cut off all amendments by merely permitting the committee to offer an amendment which would be adopted, and then cut off amendments to the section itself.

The CHAIRMAN. What the gentleman will see is this: The committee has already adopted the amendment.

Mr. GROSVENOR. Very well. That has perfected the section. Now, for the first time, it is open to amendment by someone not authorized by the committee to offer an amendment. This is a very plain proposition; it is not new; it is very old, and it is the only way an outside member of the House can offer an amendment.

The CHAIRMAN. The committee's amendment has already been adopted.

Mr. GROSVENOR. But the section has not been adopted.

The CHAIRMAN. But this is not a proposition to amend the section. Of course the gentleman from New York could offer to amend the original section as it stood.

Mr. GROSVENOR. He could not do it because the committee had an amendment which they had not offered. That amendment has been adopted, and the question recurs on the original section.

The CHAIRMAN. He offered it to the committee amendment.

Mr. GROSVENOR. The section has not been passed.

The CHAIRMAN. The gentleman can offer this amendment to the original section, but can not to the amendment the committee offered.

Mr. GROSVENOR. It is not offered as an amendment to the committee amendment, which was adopted by the committee, but to the section. It is clearly in order.

The CHAIRMAN. The gentleman offers it as an amendment to the part which has been stricken out. The original section is still open to amendment.

Mr. WADSWORTH. I will offer it as an amendment to the section.

The Clerk read as follows:

Strike out in line 5, page 3, the words "person and that" and insert "and any retail or wholesale dealer in oleomargarine or butter and any corporation, including manufacturers of butter, who;" also in line 6, after the word "others," strike out all down to the word "who," in line 7.

The CHAIRMAN. The gentleman will suspend. Line 7 on page 3 has been stricken out. It can not be amended after stricken out, and the Chair would suggest—

Mr. WADSWORTH. There is a mistake. It is line 5, page 3. I offer it as an amendment to the section as adopted.

The CHAIRMAN. That has already been adopted by the committee. The gentleman can go back to the original section, which has not been disposed of, and that may be amended.

Mr. WADSWORTH. If that is the parliamentary procedure, I will do that.

Now, Mr. Chairman, I offer this as an amendment to section 2.

The CHAIRMAN. Section 2 is open to amendment. The Clerk will report.

The Clerk read as follows:

Strike out in line 5, page 3, the words "person and that" and insert "and any retail or wholesale dealer in oleomargarine or butter, and any corporation, including manufacturers of butter, who;" also in line 6, after the word "others," strike out all down to the word "who," in line 7.

Mr. WADSWORTH. Now, the point of my amendment is this. I think it is the most iniquitous provision in the bill—

The CHAIRMAN. The gentleman still offers his amendment to the amendment which has been adopted. There is no difficulty if the gentleman will apply his amendment to the original section, which has not been disposed of.

Mr. TAWNEY. Mr. Chairman, the amendment which the committee has adopted and which I offered strikes out all of section 2 after the word "oleomargarine," on page 3, line 2, and then inserts the language contained in the amendment. Now, as I said, the only effect of that was to add after the word "oleomargarine" the words "approved August 2, 1886," and again after the word "butter," in line 9, "of any shade of yellow." That is a rewriting of that portion of the entire section. Now, the gentleman's amendment should have been offered to my amendment before the latter was adopted.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent to amend the section, notwithstanding the adoption of the amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent, notwithstanding the adoption of the amendment by the committee, to offer his amendment to the same and amend the committee's amendment. Is there objection?

Mr. RAY of New York. I object, Mr. Chairman.

Mr. WADSWORTH. Then I move to strike out the section as amended by the gentleman from Minnesota, and insert the amendment which I offer.

Mr. TAWNEY. I ask that the Clerk report the section as it will read when amended.

Mr. THAYER. Mr. Chairman, gentlemen on this side do not understand the tangle which the gentlemen over there have got into.

The CHAIRMAN. The gentleman from New York has prepared an amendment adapted to the condition of the section before the committee amended it, and it does not fit the situation now.

Mr. THAYER. It seems to me his purpose is to amend the amendment we have adopted by substituting something else for it. The only way that can be done is to reconsider the vote by which the amendment was adopted and then the question is before the House.

The CHAIRMAN. It is very easy for the gentleman from New York to re-form his amendment and make it applicable.

Mr. WADSWORTH. Mr. Chairman, I move to amend section 2 by striking out line 24, page 2, all after the word "that," and inserting the amendment I send to the desk.

The CHAIRMAN. After the word "that" in the substitute section?

Mr. TAWNEY. Will the gentleman from New York explain from the bill as printed just what the effect of that amendment would be.

The CHAIRMAN. The Chair thinks the gentleman from New York has obviated the difficulty.

Mr. WADSWORTH. Mr. Chairman, the object of the amendment is simply this: The bill of the majority provides that:

Any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family and guests thereof without compensation, who shall add to or mix with such oleomargarine any ingredients or coloration that causes it to look like butter, shall also be held to be a manufacturer of oleomargarine within the meaning of said act, etc.

Now, that makes any boarding-house keeper, no matter how many or few boarders he may have, subject to that law, and makes him, within the intent of this paragraph, a manufacturer of oleomargarine. If he colors it after purchasing it of the retail or wholesale dealer and serves it to the guests it makes him a manufacturer.

Mr. TAWNEY. If he colors it for sale.

Mr. WADSWORTH. If he colors it for his boarders. My point is to apply the law to the retail and wholesale dealer in oleomargarine or butter, to corporations, and manufacturers, and not go into the privacy of the home and dictate to the American

citizen in what color, form, or shape he shall put his food on the table. That is the object of my amendment.

Mr. WILLIAMS of Mississippi. I ask, Mr. Chairman, for the reading of the amendment that has been sent to the desk.

The CHAIRMAN. The Chair will have read first the following extract from Jefferson's Manual:

The Clerk read as follows:

But if it had been carried affirmatively to strike out the words and to insert A, it could not afterwards be permitted to strike out A and insert B. The mover of B should have notified, while the insertion of A was under debate, that he would move to insert B; in which case those who preferred it would join in rejecting A.

After A is inserted, however, it may be moved to strike out a portion of the original paragraph, comprehending A, provided the coherence to be struck out be so substantial as to make this effectively a different proposition; for then it is resolved into the common case of striking out a paragraph after amending it. Nor does anything forbid a new insertion, instead of A and its coherence.

The Clerk read as follows:

Amend the committee's substitute for section 2 as amended by striking out all after "that" in line 24, page 2, and inserting in lieu thereof the following:

"The first clause of section 3 of an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886, be amended by adding thereto after the word 'oleomargarine,' at the end of the said clause, the following words:

And any retail or wholesale dealer in oleomargarine or butter and any corporation (including manufacturers of butter) who sells, vends, or furnishes oleomargarine for the use or consumption of others who shall add to or mix with the said oleomargarine any ingredient or coloration which causes it to look like butter shall also be held to be a manufacturer of oleomargarine within the meaning of said act and subject to the provisions thereof.

Mr. WADSWORTH. Mr. Chairman, I wish to explain the purpose of this amendment. I do not believe that Congress desires to go into the privacy of American homes and supervise or control what may be served on their tables. If any family wish to put upon their table a beefsteak that has been pounded, they ought to have the right to do it. If they want to put a little water in their milk because they have not money enough to pay for pure milk, they should have that privilege. And if, within the privacy of their own homes, they want to add a little coloring matter to oleomargarine, I do not see why we should undertake to interfere.

Mr. TAWNEY. Does the gentleman intend that this amendment shall apply to butter as well as oleomargarine?

Mr. WADSWORTH. No; I do not.

Mr. TAWNEY. The language of the amendment will have that effect.

Mr. WADSWORTH. It is intended to apply to the dealer who sells oleomargarine fraudulently as butter.

Mr. TAWNEY. But I infer from the reading that the amendment would place the person who colors butter upon the same level as the manufacturer of oleomargarine who colors oleo.

Mr. WADSWORTH. No.

Mr. RAY of New York. Mr. Chairman, I desire to be heard for a moment in regard to this amendment; and I think my colleague from New York [Mr. WADSWORTH] will take no offense from my references to him. It is well known, and the gentleman from New York can not take exception to the statement, that he is opposed to this bill as it stands.

Mr. WADSWORTH. The gentleman mistakes me there. I am not opposed to wiping out the fraud in the sale of oleomargarine. The gentleman must not put me in a false position.

Mr. RAY of New York. If that is true, then the gentleman does not intend by any amendment to this bill to throw the door wide open for any person to sell, vend, or furnish oleomargarine for the use and consumption of others when it is colored in imitation of butter. Now, this section, as written, prevents anything of that kind. It is designed for that purpose and for no other.

My colleague asserts that this bill, as it has been amended by this committee, would prevent the householder from coloring oleomargarine, if he desired so to do, for use upon his own table; and he says it would prevent a boarding-house keeper from purchasing oleomargarine and then coloring it in imitation of butter and putting it before his guests or boarders as pure butter. If the section as it now reads will prevent that fraud, then I think every friend of the dairyman, every friend of pure butter, should insist upon its standing as it is.

Mr. GROSVENOR rose.

Mr. RAY of New York. I have no time to yield to the gentleman.

Now, will this amendment, already adopted, have the effect which he claims for it? Certainly not. How does it read?

Any person who sells, vends, or furnishes oleomargarine for the use or consumption of others except his family and guests—

The householder and his family and his guests are excepted. Now, are not the boarders in my family a part of my family?

A MEMBER. They are not guests without compensation?

Mr. RAY of New York. They are a part of my family. Every-

body understands that. The boarders in my home are a part of my family. It has been decided five hundred times under the criminal law that the boarders in a man's home are entitled to his protection under that principle of the law which declares that I may defend myself and my family.

The word "family" does not apply to my wife and to my children alone, but to all who have the right to live in my house.

Mr. SIMS. It says "without compensation."

Mr. RAY of New York. It makes no difference whether they are paid compensation or not.

Mr. WILLIAMS of Mississippi. But the bill says so.

Mr. RAY of New York. They form a part of my family.

Mr. PERKINS. Will the gentleman allow a question?

Mr. RAY of New York. So far as I have time.

Mr. PERKINS. Does the gentleman hold that if a man has a son who is past 21 years of age, who continues to live with his father and pay his board, that he would not be within the meaning of this bill?

Mr. RAY of New York. He is a part of my family as long as he is rightfully living there.

Mr. GROSVENOR. The gentleman from New York is making a mistake by not reading the bill which is before his own eyes.

Mr. RAY of New York. I am speaking to the bill that is before my own eyes, and I am seeking to prevent the substitution of words in this section of the bill that will open the law to everyone to defy its provisions and, under a false pretense, color oleomargarine for sale and for use or disposition to others. That is what I am seeking to do, and I have watched the language that my colleague from New York [Mr. WADSWORTH] would seek to write into this bill. It would not have the effect to protect the family and to protect the boarders, but it would have the effect to open the door wide for the coloring of oleomargarine in defiance of the provision of the law.

That is the reason why I am in earnest about it. I have watched his words with great care. This comes in here at a time when the friends of this bill can not examine the words and study the meaning of them; but I have watched them with great care to see what the effect would be.

Mr. GROSVENOR. Mr. Chairman, is this a five-minute debate, or what?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GROSVENOR. I should like to be heard.

Mr. RAY of New York. I should like to explain—

Mr. GROSVENOR. The gentleman will not allow me to read the words to which I want to call his attention.

Mr. RAY of New York. I will, if I can have time. I ask unanimous consent that I may proceed for three minutes.

The CHAIRMAN. The gentleman from New York [Mr. RAY] asks unanimous consent that he be allowed to proceed for three minutes. Is there objection?

There was no objection.

Mr. RAY of New York. Now, I will listen to the gentleman from Ohio.

Mr. GROSVENOR. I quote from the language of the bill:

And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family and guests thereof without compensation, who shall add to or mix with such oleomargarine any ingredient or coloration that causes it to look like butter shall also be held to be a manufacturer of oleomargarine within the meaning of said act and subject to the provisions thereof.

Mr. RAY of New York. Yes.

Mr. GROSVENOR. What is the meaning of that?

Mr. RAY of New York. Members of his own family and others—

Mr. GROSVENOR. And guests thereof, not members of the family, who are there without paying compensation. Now, that means that the boarding-house keeper who colors his oleomargarine, if he is found out by these detectives who can smell of the American table hereafter, shall be punished because he has colored the butter that his guests, who are paying board, are going to eat. The gentleman can not escape from that conclusion.

Mr. RAY of New York. Let me suggest to my friend from Ohio that the purpose suggested by my colleague from New York, that he desires to accomplish, if that be the only purpose of his amendment, can be accomplished by the insertion in that very clause of the word "boarders"—"except to his own family, boarders, and guests thereof without compensation."

Mr. WADSWORTH. That is a different proposition.

Mr. RAY of New York. If that be the purpose of the gentleman, let him say so.

Mr. WADSWORTH. That is my purpose.

Mr. RAY of New York. Vote his amendment down, and then you can get the protection you want by saying "except to his own family, boarders therein, and guests thereof."

Mr. TAWNEY. I should like to ask the gentleman if a boarder in a boarding house who is paying for his board is not as much

entitled to protection against the fraud of oleomargarine as any other man is?

Mr. RAY of New York. There is no use in striking out two-thirds of this section and inserting words that will throw the door wide open to fraud for the sake of reaching his suggestion, which is that he designs to protect the boarders in a boarding house. That could be accomplished by inserting the two words which I have suggested in the section as it now stands.

Mr. WILLIAMS of Mississippi. Mr. Chairman, in answer to the gentleman from New York, if I can have order. The gentleman from New York [Mr. WADSWORTH] did not voluntarily strike out the proviso in order to fix this little thing, as the gentleman says. He was compelled to pursue that parliamentary method, owing to the parliamentary situation in which he found himself. So much for that.

Now, by the amendment offered by the gentleman from New York—and I understand he is willing to go farther than he has gone in order to make certain his object, so as to meet this condition of things. In Chicago, New York, and all the great cities very often in certain tenement parts of the cities where people are keeping boarders, where the wife of a laboring man is keeping house for him, and perhaps another laboring man, being his brother or her brother, he may have one or two boarders.

Now, if this bill goes through as it is, it will make any poor woman in the tenement district supposed to be aware of what the law is, and make her a manufacturer, subject to all the penalties of this bill, and all the taxes and all the penalties will accrue to her. Now, it is for the House to say, first, whether they desire to do that or not.

I understand the gentleman from New York [Mr. WADSWORTH] is willing to add after the word "corporation" in his amendment the words "public hotels or restaurants," so as not to allow an exemption to people who keep public hotels and public restaurants. And that is what it intends to do. Now, let me answer the strictures of the gentleman from New York, a great lawyer, chairman of the Committee on the Judiciary, upon what the section means as it is now. It reads:

Any person that sells, vends, or furnishes—

Furnishes—

oleomargarine for the use and consumption of others, except to his own family.

And except whom else?

"And guests." Guests "without compensation." If they are guests without compensation they are persons furnished with it, and the use and consumption of these guests with compensation falls under the definition of manufacturer under this bill and the party becomes subject to the penalties and fines of this bill.

Mr. RAY of New York. May I interrupt you?

Mr. WILLIAMS of Mississippi. Yes.

Mr. RAY of New York. Now, I do not claim that "guests without compensation" would include boarders, but I do claim that the words "his own family" include and protect boarders. Now, I want to ask my friend from Mississippi, do you think there is any harm done to any person if we enact a law—

Mr. WILLIAMS of Mississippi. I consented for a question, and the gentleman knows that I have but five minutes, and the gentleman refused—

Mr. RAY of New York. I will ask that you have further time. This is an important matter.

Mr. WILLIAMS of Mississippi. Ask your question then.

Mr. RAY of New York. I will not interrupt without your consent.

Mr. WILLIAMS of Mississippi. You have my consent.

Mr. RAY of New York. Is there any wrong done to anyone by any possibility by making it provide against private boarding-house keepers buying oleomargarine in the market and then coloring it to imitate butter and putting it before their boarders as pure butter? I think that should be stopped as well as the other fraud.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, the gentleman has conceded in his question already that as a matter of fact and as a matter of law a boarder is a part of the family. Now, that is either correct or incorrect. Now, as a matter of fact, I think I need not argue to you to show that it is incorrect; but if it were correct, then the boarders in a public hotel would be part of the hotel proprietor's family, and boarders in a public boarding house would be part of the boarding-house keeper's family.

What the gentleman from New York [Mr. WADSWORTH] is trying to do is to protect the women who keep a few private boarders; women who are endeavoring by keeping boarders to help their husbands eke out a living. Now, he intends to offer to insert the words "public restaurants and public hotels."

Mr. WADSWORTH. I should be very glad to do so.

Mr. WILLIAMS of Mississippi (continuing). There will be a bona fide amendment, and it will protect the private boarding-

house keepers who take a few boarders, and will give them an exemption from the penalties provided in this bill.

Now, the gentleman from New York [Mr. RAY] asks me the further question if I know of any reason why an honest boarder at one of these private boarding houses should not be protected from fraud. I answer the gentleman that I do not know any; but I do know a great many reasons why the poor wife of a laboring man, occupying a little bit of a tenement and having one or two people for boarders, if she buys oleomargarine and colors it, should not have visited upon her all these severe penalties that would wipe her, her husband, and family out of existence.

The very manufacturer's license tax would be too much. Now, if you want to punish her at all, punish her in some other way, by fine of \$10, \$15, or \$20. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. THAYER. Mr. Chairman, we have heard a great deal in the last four days about fraud. Eighteen members of this House, gathered from States all over this country—from Vermont to Mississippi—and constituting the Committee on Agriculture, have agreed that there should be some legislation which shall stop the fraud that has been perpetrated by the manufacture, sale, and consumption of oleomargarine. They have all agreed that there is a necessity for some legislation. The majority of them have presented the legislation which they think is required in the form of the majority bill, and the minority have presented it in the form of their bill. If there is a necessity of doing away with the fraud, it is well to consider who the persons are who should be protected, who are affected by it the most.

The manufacturer that manufactures oleomargarine knows that he manufactures it, and he manufactures generally nothing else in the butter line. The wholesaler who goes to him is not defrauded, because he goes to purchase oleomargarine, and he gets it. The retailer goes to the wholesale dealer, and he goes there to purchase oleomargarine, and he gets it, and he is not defrauded. The retailer undertakes to sell that commodity to be used by the consumer. I undertake to say, having had some experience in this violation of the oleomargarine law by parties in my State, that nine-tenths of all the parties who purchase of the retail seller are not defrauded.

They come to the retail seller and purchase oleomargarine because they want it. Who, then, suffers from the fraud? It is the man who goes to a cheap hotel; the man who goes to the cheap boarding house, or to the lunch counter, or the night lunch wagon, or to the restaurant; those who gather in the boarding houses of the mining camps and in the boarding barracks where railroads are being constructed and canals built and public enterprises are being promoted. These are the people who are being deprived of their just rights. They expect to receive butter, they pay for butter, they think they are getting butter, whereas in many instances they receive this counterfeit. But if the amendment which the gentleman from New York now proposes prevails, we might as well burn up this bill that has been presented here, because the great majority of those whom we are attempting to protect will get no protection whatever. I undertake to say that the men and women of all classes who are principally defrauded are the boarders; those who, by force of circumstances, are away from their families or homes, if they have any anywhere; those who have a right to expect to receive butter instead of colored grease.

Mr. WILLIAMS of Mississippi. Will the gentleman yield to me for a question?

Mr. THAYER. Yes.

Mr. WILLIAMS of Mississippi. Does the gentleman understand that anything in the amendment offered by the gentleman from New York [Mr. WADSWORTH] would exempt a public hotel keeper or a restaurant keeper from being subject to the penalties of this bill if they bought uncolored oleomargarine and colored it? If it does, the gentleman has misunderstood the amendment.

Mr. THAYER. But how about the boarding-house keepers, the lunch-room keepers, the restaurant keepers, and the men who take boarders in the camps and mines? Thousands and tens of thousands of people are every day eating this concoction and do not know it. These are the men who would not be affected by this bill if your amendment should prevail. The great object of this bill is to protect those whom we believe are being defrauded. We propose to stamp out the fraud where it is practiced or to deprive them of the opportunity to practice fraud who are now practicing it without let or hindrance, and the bill with your amendment in it would be powerless to restrain the very ones we seek to restrain. I believe that all classes of people engaged in the manufacture and sale of oleomargarine in this country are generally honest. This legislation is to protect not the poor man who goes to the store and buys a pound of oleomargarine. He goes there to purchase it, knowing what it is and what he wants, and in nine cases out of ten they are the men who get what they want. The fraud is not there.

Now and then there may be a case where the purchaser goes to purchase butter and he is sold oleomargarine. But I undertake to say that the great body of our people are honest, the manufacturers are honest, the wholesaler is honest, the retailer is honest, with now and then an exception where they undertake to deliver oleomargarine in place of butter. But it is the consumer who is being defrauded. He is the one who is imposed upon and deceived and is unable to protect himself. Did you ever hear of a person asking for oleomargarine when there was honest butter on the table? If we adopt the amendment proposed by the gentleman from New York, the life and virtue of this bill is gone.

Mr. TAWNEY. Mr. Chairman, I want to say one word in reply to the gentleman from New York who offers the amendment. The original amendment to section 3 of the existing oleomargarine law does not apply to anyone who would buy manufactured, uncolored oleomargarine and color it again for sale either as oleomargarine or butter, or as anything else.

In the course of the investigation by the Committee on Agriculture—and I have this information from the chairman of that committee—certain members of the committee visited an oleomargarine factory near the Capitol and there witnessed the operation of coloring uncolored oleomargarine without reducing it by any process whatever, heat or otherwise; but by the mere coloring of the salt and mixing the salt through the uncolored oleomargarine, they produced a colored oleomargarine that resembled butter so that no one not an expert could detect the difference.

While that process was going on another gentleman remarked that he knew of a better plan than that, and when they got through he took a little coloring matter, sprinkled it over a brick of pure uncolored oleomargarine, and, with a butter paddle, produced in a few minutes, to all appearances, a perfect roll of butter. So that to pass this bill without amending this clause defining a manufacturer of oleomargarine would open the door to a more gigantic fraud than has ever been perpetrated in the manufacture and sale of oleomargarine, for every pound would be manufactured uncolored, and the retailer and the wholesale dealer would take it into his cellar and color it as butter, and sell it as butter, and not be liable to any penalty, for, the property being his, he would violate no law by simply coloring his own property.

By the provisions of that section of the pending bill providing for the tax upon colored and uncolored oleomargarine, the tax on oleomargarine colored as butter or in any shade of yellow is 10 cents per pound, while the tax upon the uncolored oleomargarine, or oleomargarine free from coloration or any ingredient that would give it any shade of yellow, is one-quarter of 1 cent per pound.

Here, then, we have a difference of 9½ cents per pound on the same manufactured product, but made in two different colors, one natural, the other artificial. This would constitute a most powerful inducement to the manufacturer and to the dealer to manufacture oleomargarine uncolored, and then, as I have said, with the aid of a little coloring matter and a butter ladle the dealer, or purchaser, or hotel proprietor, or restaurant keeper, or boarding-house keeper would color the uncolored product and sell it to the consumer or place it upon the table for his guests as butter. This would lead inevitably to a most gigantic fraud and should not be permitted; but inasmuch as the purchaser could make or save the tax of 9½ cents per pound, the fraud would unquestionably be committed unless we make the tax on both the colored and the uncolored the same.

But the dairymen and their friends have no desire to place a burden of that kind upon the manufacture and sale of oleomargarine in its natural color, for in its natural color it is a legitimate product, but not a competitor of butter. All the dairymen want is to put that burden upon the product of the oleomargarine factory made in the color of butter and made in that color for the purpose of being disposed of in the open market as butter.

To permit, therefore, the manufacture and sale of uncolored oleomargarine, to give to those who wish or of necessity are compelled to purchase a substitute for butter at a price below the cost of the genuine article, it is proposed to place only a one-fourth cent tax on the uncolored article. This would not enhance its price and would not prevent its sale if, as the friends of oleomargarine claim, it is as pure, as sweet, and as wholesome as genuine butter.

But, Mr. Chairman, the only way, then, this can be accomplished and the fraud I have referred to prevented is to amend that clause of the existing oleomargarine law defining a manufacturer to be "one who manufactures for sale," so that the person who buys manufactured uncolored oleomargarine and colors it in imitation of butter for the purpose of again selling it shall be deemed a manufacturer and compelled to take out a manufacturer's license, at a cost of \$600, and pay the 10 cents per pound tax on the uncolored oleomargarine which he colors for sale either to customers or guests.

The amendment I have offered is for the purpose of closing the

door, as I have said, to that fraud. But if you allow a man who is running a boarding house, as proposed by the gentleman from Mississippi, to color uncolored oleo, every retail dealer in oleomargarine, every unscrupulous rascal who has been evading the existing law will have a boarder in his house to protect him, and he will be coloring manufactured uncolored oleomargarine for sale as butter.

So that you can not adopt this amendment, even excepting boarders—you can not go beyond the limitations proposed in the amendment I have offered and make any exceptions without opening the door to greater frauds than have ever been perpetrated in the carrying on of this business.

In the course of this debate the opponents of this measure have vigorously defended the manufacturers of oleomargarine, claiming that, with one exception, their business is conducted honestly and without fraud; that if there is fraud practiced in connection with the business of making and selling oleomargarine, it is limited entirely to the dealer.

Let me give you a few notable instances of fraud practiced by the manufacturer in order to disprove the statements of the men who have so eloquently defended the manufacturers of spurious butter.

Last month a representative of the Hammond Manufacturing Company, of Hammond, Ind., the largest manufacturer of oleomargarine in that State, was arrested upon the charge of having offered the food commissioner of Michigan a standing bribe to permit his company to dispose of oleomargarine in Michigan in violation of the laws of that State and without interference from the dairy and food department.

A year ago last winter, in exposing the fraudulent character of the oleomargarine business in Philadelphia, the North American published a facsimile telegram from the Holland Butterine Company, of Pittsburg, the only makers of oleomargarine in Pennsylvania, in which it agreed for a cent a pound extra charge on their oleomargarine to protect retail dealers against the enforcement of their State law.

On page 493 of the Senate evidence is printed a copy of an affidavit made by Braun & Fitts, manufacturers of oleomargarine in Chicago, and filed in the Federal court of Chicago about a year ago, in which it is stated under oath by a representative of that concern, and as an excuse for their not testifying, that an examination of their books would disclose incriminating evidence. In this action they were charged with fraud by the collector of internal revenue in connection with one of the greatest conspiracies for swindling the public ever conceived, and they offered in settlement the sum of \$7,500, but the offer was at that time rejected.

On the same page of this testimony you will find copies of the record of the arrest of one Frank Mathewson, president of the Oakdale Manufacturing Company, of Providence, R. I., an oleomargarine factory. The arrest was made upon the complaint of W. F. Kinney, collector of internal revenue of the Connecticut district. This is the largest oleomargarine manufacturing company in the East. The arrest in this case was upon the charge of concealing facts in connection with their business which, by the regulations of the Internal Revenue Department, they were obliged to enter in their books.

A. T. Dow, formerly with Armour & Co., of Chicago, and later a manufacturer of oleomargarine, on his own confession, was fined in the circuit court of the United States in Chicago last year the sum of \$10,000 and imprisoned for six months for fraudulent practices in the conduct of his establishment.

The charter of the Capital City Dairy Company, of Columbus, Ohio, was revoked a year ago by the supreme court of that State, and the revocation was confirmed January 6, 1902, by the Supreme Court of the United States. The ground upon which it lost its charter was repeated and flagrant violations of the laws of the State. This was the largest oleomargarine factory between Rhode Island and Chicago.

The president of the much-lauded and advertised Standard Butterine Company of Washington, D. C., Walter P. Wilkins, whose factory is almost within sight of the Capitol building, is to-day under indictment in the District of Columbia, charged with fraudulently removing brands, marks, and stamps from packages of oleomargarine, with intent to sell the same as butter, while his brother recently served a sentence of four months and paid a fine of \$1,500 for the commission of a similar offense. This brother is now manager of the establishment of Braun & Fitts, of Chicago.

If you will again examine the Senate evidence, page 615, you will see where the oleomargarine makers of Chicago appeared and furnished bond for the future appearance of the principals in the most gigantic swindle in the sale of oleomargarine ever committed in any business of any kind.

On page 612 you will find the history of one of those swindlers, written by former Attorney-General Griggs, the facts therein contained being taken from the Internal Revenue Department.

On page 552 of this same evidence you will note that there was presented to the Senate committee documentary evidence, including the original bonds, showing how representatives of the leading oleomargarine establishments of this country appeared repeatedly in the courts to protect retailers of oleomargarine charged with the fraudulent sale of oleomargarine as butter. Not once did they do this; this record shows that it was a very common practice and occurred on many different occasions from one end of the year to the other.

These are only a few instances of the flagrant violation of the existing oleomargarine law by the manufacturers of oleomargarine. The number of instances could be multiplied several times over if the records of the Department of Justice and the Internal-Revenue Department were carefully examined.

The instances which I have cited embrace violations of the law and fraudulent practices by the manufacturers of more than one-half of the oleomargarine that is manufactured in this country.

Now, Mr. Chairman, I think the debate on this section should close.

Mr. MANN rose.

Mr. WILLIAMS of Mississippi. Let me put a question to the gentleman from Minnesota [Mr. TAWNEY]. Does he think that the amendment of the gentleman from New York [Mr. WADSWORTH] would protect a retailer in doing what the gentleman a moment ago supposed him to do?

In other words, when this amendment goes on to provide that corporations, public boarding houses, public hotels and restaurants vending or furnishing oleomargarine shall be manufacturers—leaving out any provision in regard to private boarding houses—does not the gentleman know, as a lawyer, that if any man, for the purpose of vending oleomargarine to the public at large, should undertake to resolve himself into a fraudulent boarding house, and not only supply his guests at his table with this article, as contemplated by the amendment of the gentleman from New York, but go further and sell it out doors—does the gentleman suppose that under such a state of facts the man could be protected by the amendment of the gentleman from New York?

Mr. TAWNEY. My friend from Mississippi is now indulging in the practice which he criticised my friend from New York a little while ago for indulging in—that is, making a speech in the form of a question. I would like to ask the gentleman from Mississippi how the administrators of this law are to distinguish between a private boarding house and a public boarding house—a little one or a big one?

Mr. WILLIAMS of Mississippi. Under the laws of Mississippi the distinction between a private boarding house and a public boarding house is very clear.

Mr. TAWNEY. But, thank God, our laws all over the country are not the same as in Mississippi.

Mr. WILLIAMS of Mississippi. I suppose the same distinction applies elsewhere. Public boarding houses are licensed, are they not?

Mr. TAWNEY. Not anywhere in the United States, I think, except in the gentleman's own State.

Mr. WILLIAMS of Mississippi. If this question should arise in court, it would be for the jury to determine whether the house in question was a private boarding house or a public boarding house—whether it took anybody that applied or only select guests.

Mr. TAWNEY. Is the gentleman answering my question?

Mr. WILLIAMS of Mississippi. I answer the gentleman by saying that a public boarding house is one that takes as a boarder anybody who comes and pays. A private boarding house is like a private family, only private boarders or select boarders being accepted. The volume which I hold in my hand recognizes this distinction.

Mr. UNDERWOOD obtained the floor.

Mr. TAWNEY. Mr. Chairman, I move that debate on this amendment and on the pending section be now closed.

Mr. UNDERWOOD. I understand that I am recognized.

The CHAIRMAN. The Chair has recognized the gentleman from Alabama.

Mr. WADSWORTH. Will the gentleman yield to me for only a moment?

Mr. UNDERWOOD. I will if I do not lose the floor.

Mr. WADSWORTH. I shall be very glad to accept the amendment proposed by the gentleman from Mississippi [Mr. WILLIAMS], to include public boarding houses and hotels.

Mr. WILLIAMS of Mississippi. And restaurants.

Mr. WADSWORTH. And restaurants.

Mr. UNDERWOOD. I yield for a minute to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. In connection with the question asked a moment ago by the gentleman from Minnesota [Mr. TAWNEY], I wish to refer to a legal decision made in the case of *Cady v. McDowell*, decided in 1869 by the supreme court of the

State of New York. It will be found in volume 1 of the reports of that court, page 484. In that case the court says:

A boarding house is not, in common parlance or in legal meaning, every private house where one or more boarders are kept occasionally only, and upon special considerations. But it is a quasi-public house, where boarders are generally and habitually kept, and which is held out and known as a place of entertainment of that kind.

Now, that is the definition of a boarding house in the State of New York, in the absence of any statutory definition.

Mr. UNDERWOOD. Mr. Chairman, in order that I may occupy my five minutes under the rule, I move to strike out the last word. I have not attempted to make an argument on this bill. I have listened with pleasure to a great many arguments that have been made here; but I think the discussion which has just taken place on the last amendment demonstrates more clearly than all the discussions that have preceded it the viciousness of this legislation. You are going now to require that this legislation shall go into the home of every citizen of the United States, from those who live in the palaces to those who live in the hovels, that the Federal Government, with its scores of marshals and employees, shall follow the housewives of this country. And the class of legislation that you propose to put on the bill provides no slight punishment. It is no small dereliction to violate this law.

You gentlemen who propose to put this legislation into the homes of your constituency remember the pains and penalties that you are carrying there. This law says that any person who willfully violates any of the provisions of this section shall for each such offense be fined not less than \$50 and not exceeding \$500, and imprisoned not less than thirty days nor more than six months, one or both. That is what you are going to carry into the homes of this country. You know as well as I do that there are hundreds and hundreds of poor people in this land who will never know that this law has been enacted until the deputy sheriff walks into that house to tell them they have committed a criminal offense. Not a criminal offense in the eyes of God, not a criminal offense because it is a violation of the decalogue, but a criminal offense because you, in order to protect a cow monopoly, to protect these men who want to build up one business at the expense of the other, are creating this class of crimes to punish your own constituency.

I do not think that there could be any more dangerous class of legislation that you could pass. You know as well as I do that all laws are violated. You can pass a law against murder, but men will commit murder. You can prohibit stealing, but men will steal. You can prohibit the sale of colored oleomargarine, but there are people who are going to violate this law and show others how to violate it. The men who go out to sell white oleomargarine and teach innocent people how to color it will not call their attention to this law. They will escape the pains and penalties that you impose, which will ultimately fall on innocent heads. I say that the amendment offered by the gentleman from New York [Mr. WADSWORTH] would protect a large class of these people from the severe penalty that you are about to put on them.

Mr. TAWNEY. I move that debate on the pending amendment and section be now closed.

The CHAIRMAN. The gentleman from Minnesota moves that debate on the pending amendment and section be now closed.

The motion was agreed to.

The CHAIRMAN. The Chair understands that the gentleman from New York [Mr. WADSWORTH] desires to ask unanimous consent for some modification of his amendment.

Mr. WADSWORTH. I ask unanimous consent to insert the words "public restaurant and hotel."

The CHAIRMAN. The gentleman from New York asks unanimous consent to modify his pending amendment by inserting the words "public restaurant and hotel."

Mr. RAY of New York. I object to that.

The CHAIRMAN. Objection is made.

Several MEMBERS. Add the words "public boarding house."

Mr. WADSWORTH. I have no objection to inserting the words "public boarding house," if public boarding houses have a legal status before the country.

The CHAIRMAN. It can only be done by unanimous consent.

Mr. WADSWORTH. Then I will simply ask unanimous consent to put in the words "public restaurant and hotel."

The CHAIRMAN. The gentleman from New York asks unanimous consent to insert the words "public restaurant and hotel."

Mr. RAY of New York. I object to any modification of the amendment.

Mr. MANN. I move to amend the amendment by inserting those words.

The CHAIRMAN. The motion is not in order. The amendment would be in the third degree, and it could only be made by unanimous consent.

Mr. MANN. Why can not the amendment be made?

The CHAIRMAN. The rule gives only one amendment to a substitute, and this is in the third degree and can not be offered except by unanimous consent.

Mr. TAWNEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAWNEY. This vote is on the amendment offered by the gentleman from New York, limiting the definition of a manufacturer of oleomargarine to corporations, wholesale and retail dealers, is it not?

The CHAIRMAN. The amendment has been fully reported.

Mr. TAWNEY. I simply wanted the committee to understand it.

Mr. WADSWORTH. It limits the wholesale and retail dealers in oleomargarine and in butter. It limits them to corporations and manufacturers of butter, public restaurants, and hotels. It excepts private persons and individuals.

Mr. CANDLER. I ask for the reading of the amendment.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again read.

The CHAIRMAN. The question is on the amendment just reported.

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. WADSWORTH. Division! Let us have tellers on it.

The CHAIRMAN. The Chair understands the gentleman from New York to demand tellers.

Mr. WADSWORTH. Take the division first, Mr. Chairman.

The committee divided; and there were—ayes 84, yeas 99.

Mr. WADSWORTH. Tellers, Mr. Chairman.

The question was taken on ordering tellers.

The CHAIRMAN. A sufficient number; tellers are ordered, and the gentleman from New York [Mr. WADSWORTH] and the gentleman from Minnesota [Mr. TAWNEY] will take their places as tellers.

The committee again divided; and tellers reported—ayes 111, yeas 126.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Add as a new section, section 3, to read as follows:

"SEC. 3. That on and after July 1, 1902, the tax upon oleomargarine, as prescribed in section 8 of the act approved August 2, 1886, and entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' shall be one-fourth of 1 cent per pound when the same is not made in imitation of butter; but when made in imitation of butter, the tax to be paid by the manufacturer shall be 10 cents per pound, to be levied and collected in accordance with the provisions of said act."

The CHAIRMAN. The Chair would like to have the attention of the committee a moment. The motion to adopt the substitute as amended has not yet been put to the committee. The Chair will now put it.

The question was taken; and the substitute as amended was agreed to.

The CHAIRMAN. The question is upon the amendment of the committee, inserting the new section 3; which has just been read. The Chair recognizes the gentleman from Connecticut.

Mr. HENRY of Connecticut. I offer the following amendment.

The Clerk read as follows:

Amend by striking out of the committee amendment entitled section 3 all after the word "That" in line 12 of page 3 and insert the following:

"Section 8 of an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886, be, and the same is hereby, amended so as to read as follows:

"SEC. 8. That upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax of 10 cents per pound, to be paid by the manufacturer thereof; and any fractional part of a pound in a package shall be taxed as a pound: *Provided*, When oleomargarine is free from coloration or ingredient that causes it to look like butter of any shade of yellow, said tax shall be one-fourth of 1 cent per pound. The tax levied by this section shall be represented by coupon stamps; and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut to the amendment offered by the committee. The gentleman from Connecticut is recognized.

Mr. HENRY of Connecticut. I yield to the gentleman from Minnesota to explain the amendment.

Mr. TAWNEY. Mr. Chairman, I will say, in explanation of this amendment to the committee amendment, that it changes existing law in only two particulars. It changes the word "two" to "ten," making the tax 10 cents instead of 2 cents a pound, and it adds a proviso imposing a tax of one-fourth of 1 cent a pound upon oleomargarine when made without color or upon uncolored oleomargarine. In other words, it is a reenactment

of section 8 of the existing oleomargarine law of August 2, 1886, with these two exceptions.

The tax is changed from "two" to "ten" a pound on oleomargarine as defined in that law, not a tax of 10 cents a pound on oleomargarine as defined in the section as originally reported by the committee to the House, but it is 10 cents a pound on oleomargarine as defined in the existing law, and when oleomargarine is manufactured free from discoloration or from any ingredients giving the color of yellow, or any shade of yellow, it is then taxable at the rate of one-fourth of 1 cent a pound; so that those who wish to use oleomargarine upon their tables or in their kitchens can go to a store and buy it, and buy it for less than they are paying for it at the present time.

The tax is reduced from 2 cents to a quarter of a cent a pound; but if they put into their product that which entirely changes the character of the product, enabling the manufacturer to sell it and the retailer to sell it for that which it is not, and thereby perpetrate a fraud upon the consumer, he must pay a tax of 10 cents a pound, so that with the original cost and tax added it will bring its cost up to the cost of manufacturing butter.

Now, when they want to use it, that is, when the poor down-trodden laboring men, for whom our friends on the other side have manifested such great solicitude, want to use oleo on their tables; when the poor wife of the poor laboring man wants to keep a boarder in order to help pay their household expenses, as the gentleman from Mississippi [Mr. WILLIAMS] has told us, by buying a cheap product for use upon her table, she can go to the factory or she can go to the store and buy uncolored oleomargarine for less than she can buy that product to-day, and for a great deal less than she would have to pay at this time for that product colored in imitation of butter.

That is the only change proposed in the existing law, Mr. Chairman, in the amendment offered by the committee. It changes the tax from 2 to 10 cents a pound, with the proviso exempting uncolored oleomargarine from the present tax, with the exception of a quarter of a cent, or rather, reducing the tax upon uncolored oleomargarine to a quarter of a cent a pound.

I wish to say, for the information of the committee, right here, that under the existing definition of oleomargarine, as that product is defined in the law of 1886, it is very questionable whether oleomargarine is taxable at all. Three years ago a decision was rendered by Judge Grosscup in the circuit court of the United States in Chicago in which he held that uncolored oleomargarine was free from taxation under the existing law, because without the color of butter he held it was not made in imitation of butter.

But the oleomargarine manufacturers themselves prefer to have some tax on the uncolored product. That will appear from the testimony presented to the Committee on Agriculture. The reason given is that it gives their product a standing and character in the market that it would not otherwise have.

I will say here that the bill I introduced at the beginning of this session expressly provided that uncolored oleomargarine should be exempt from any tax, because when made in its natural color it is not a competitor with butter, but in the judgment of the committee it was deemed best to retain a portion of this tax in order that the Government might be able to determine and inquire into and have an interest in investigating the business of manufacturing the uncolored oleomargarine, and thereby police that business as well as police the manufacturer of the colored oleomargarine. I have nothing further, Mr. Chairman, to say in support of this amendment.

Mr. WILLIAMS of Mississippi. I want to ask if the gentleman's amendment is exactly what is printed in the bill on our desks?

Mr. TAWNEY. No; it is not.

Mr. WILLIAMS of Mississippi. The words "every shade of yellow" is what is added?

Mr. TAWNEY. No; what I have offered is offered as a substitute for section 8, as that section is reported by the committee.

Mr. WILLIAMS of Mississippi. The amendment the gentleman has just offered as a substitute, or whatever it was, is literally section 3 as printed, except the words "every shade of yellow" is added?

Mr. TAWNEY. No.

Mr. WILLIAMS of Mississippi. What is the difference?

Mr. TAWNEY. What is offered is the identical language of section 8 of the existing law. What the committee reported was an entirely different phraseology, and it is for the purpose of avoiding a possible conflict between the definition of the product on which the 10-cent tax is imposed, as that product is defined in the committee bill, and the definition of oleomargarine, as defined in the existing law. In order to avoid any possible conflict, the substitute reenacts the present section of the law of 1886, changing the word "two" to "ten," and adding a proviso for a quarter of a cent a pound tax on uncolored oleomargarine.

Mr. GROSVENOR. Mr. Chairman, I offer the following, which

I send to the desk, to follow at the end of the sections after the committee amendments are disposed of.

The Clerk read as follows:

Add as an amendment to section 3, line 22, page 3, after the word "act," the following:

"That the tax on all sirups put up, labeled, or sold in imitation of maple sirup shall be taxed 10 cents per pint, to be levied and collected in accordance with the provisions of this act."

Mr. TAWNEY. I make the point of order, Mr. Chairman, that the amendment is not germane.

Mr. GROSVENOR. Upon that, Mr. Chairman, I would like to be heard.

The CHAIRMAN. The Chair thinks it is not in order at this time.

Mr. TAWNEY. And, furthermore, it is an amendment in the third degree and therefore is not in order.

The CHAIRMAN. It is not in order.

Mr. GROSVENOR. I did not claim it was now in order. I said I desired to offer it at the end of the section after the committee amendments were disposed of.

The CHAIRMAN. The point is made that it is not germane and the Chair sustains the point of order.

Mr. GROSVENOR. I do not understand how it is not germane. I may find out after awhile from some of these able parliamentarians. [Laughter.]

Mr. BURLESON. Mr. Chairman, I offer as a substitute for section 3 the amendment that I send to the Clerk's desk.

The Clerk read as follows:

Amend section 3, in line 22, page 3, after the word "act," by adding thereto the following:

"That on and after July 1, 1902, there shall be levied and collected a tax of one-fourth of 1 cent per pound on manufactured ice when same is sold in 1 and 5 pound blocks, and each block shall be stamped 'Counterfeit ice,' but when same is made in imitation of natural ice, by nature's process from river and lake water, and sold in blocks larger than 5 pounds, the tax to be paid by the manufacturer shall be 10 cents per pound, to be collected in accordance with the provisions of this bill."

Mr. TAWNEY. I make the point of order, Mr. Chairman—

Mr. BURLESON. I do not yield to the gentleman.

Mr. TAWNEY. I do not care whether the gentleman does or not. I have a right to raise the point of order that this amendment is not germane to the section that it is proposed as a substitute. Furthermore, it is not a substitute. It is not germane to the bill, and is as foolish as the gentleman that offered it.

Mr. BURLESON. It is not as vicious as the bill supported by the gentleman from Minnesota. [Laughter.]

The CHAIRMAN. The point of order is made by the gentleman from Minnesota, and the Chair sustains the point of order.

Mr. BURLESON. I appeal, Mr. Chairman, from the decision of the Chair.

The CHAIRMAN. The gentleman from Texas appeals from the decision of the Chair.

Mr. TAWNEY. I move to lay the appeal on the table.

Mr. BURLESON. I have a right to be heard on the appeal. Bearing upon this substitute, I want to appeal to any earnest and sincere believer in the majority bill to give me one reason why this substitute should not be adopted. As a matter of fact, the same vicious principle underlies both. No man can gainsay it. There is no divinity that hedges around butter or milk that gives them a peculiar protection over God's pure water that is found in streams and the lakes. [Applause.] Now, gentlemen, you who are behind this majority bill, I will admit that manufactured ice is purer than natural ice; that natural ice often contains germs of malaria and germs of typhoid fever, and I will also admit that butter often contains the germs of tuberculosis, which will never be found in the manufactured oleomargarine.

Now, gentlemen, I offer this amendment only to accentuate the rank absurdity and injustice of the measure that is being advocated by the selfish and ambitious gentleman from Minnesota. [Laughter and applause.]

Mr. Chairman, I withdraw the appeal, and also the substitute, as it has served my purpose.

Mr. FOSTER of Illinois. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The Clerk read as follows:

Amend the amendment by striking out the words "10 cents" wherever they occur and inserting in lieu thereof "3 cents."

The CHAIRMAN. This is an amendment in the third degree, and is not permissible at this time.

Mr. FOSTER of Illinois. Then I withdraw it for the present.

Mr. FEELY. Mr. Chairman, I send to the desk a substitute which I desire to offer for the section.

The Clerk read as follows:

Strike out section 3 and insert in lieu thereof the following:

"Sec. 3. That on and after July 1, 1902, the tax upon oleomargarine, as prescribed in section 8 of the act approved August 2, 1886, and entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' shall be one-fourth of 1 cent per pound when the same is not made in imitation of butter; but when

made in imitation of butter, the tax to be paid by the manufacturer shall be 5 cents per pound, to be levied and collected in accordance with the provisions of said act."

Mr. FEELY. Mr. Chairman, I do not desire to indulge in any debate on this amendment. I simply wish to submit it as a test of the fairness of the majority so far as they have proceeded upon this bill. They have closed the door against the poor boarding-house keepers of this country by forbidding them to use butterine, even if desired by their boarders. Men have stood upon the floor of this House and assumed that if the law did not prevent it the vast army of boarding-house keepers in this country would commit fraud. The gentleman from Massachusetts stated here that the wholesaler is committing no fraud, that the retailer is committing no fraud, but that the fraud is committed down in the ranks of those who pander to the taste of the consumer. Gentlemen, vote, if you please, to place an arbitrary tax of 10 cents per pound on this product when colored in a color as natural to it as yellow is the natural color of December butter, and satisfy yourselves, if you can, that you are not conforming to an arbitrary test imposed upon you by someone outside of this hall.

Men may as well say that 10 cents is the natural tax upon oleomargarine as to say that yellow is the natural color of December butter. If there is a spirit of fairness left in this House, if there is one consideration that can prevail here against striking down a legitimate industry, then I ask that you adopt this substitute placing the tax on colored oleomargarine at 5 cents a pound—not 10 cents—the latter tax being so heavy as absolutely and wholly to drive out of existence in the business world the honest business of manufacturing and selling oleomargarine.

Go on, gentlemen, if you will, using the taxing power of the Government for a purpose for which it never was intended. Go on, States-rights men, if you will, using the power of the Government to prevent the separate States of the Union from passing laws which permit the manufacturing, retailing, and eating of an honest product; and then go back to your constituents and, if you can, defend your consistency.

[Here the hammer fell.]

Mr. CLAYTON. Mr. Chairman, I desire to offer an amendment to the substitute.

The CHAIRMAN. The Clerk will read the proposed amendment.

The Clerk read as follows:

Add at the end of the substitute the following:

"And the tax on all preparations of glucose, sucrose extracts, and other compounds put up, labeled, or sold as pure sugar candy, when not made entirely of sugar, with proper coloring and flavoring ingredients, shall be 10 cents per pound, to be levied and collected in accordance with the provisions of this act."

Mr. TAWNEY. I make a point of order against this amendment.

Mr. CLAYTON. Let me say one word.

Mr. TAWNEY. I insist on the point of order.

Mr. CLAYTON. I want to protect the babies and children against this candy that contains clay and other deleterious substances. While we are going on with this business of protection, let us protect the babies and children against this impure candy.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CLAYTON. Mr. Chairman, I appeal from that decision.

The CHAIRMAN. The gentleman from Alabama appeals from the decision of the Chair.

Mr. CLAYTON. Now, upon that I desire to be heard briefly.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. CLAYTON. Mr. Chairman, this is a sweet subject that I am going to talk on, and I ask you to hear me a little while. This measure and the debate growing out of it have shown a disposition here in the House and on the outside to go into what directly belongs to State authority. This is a matter of dealing with food and a matter of police regulation.

Now, the amendment that I have offered to the substitute is no more absurd and no more unauthorized than is the main proposition pending before this House. If we are going to protect grown men and women against fraudulent butter or oleomargarine, I say if we recognize that as a proper subject for the legislation of Congress, we ought to protect the young children and the babies of this country from deleterious candy made in part from flour, white clay, glucose, chalk, and a number of other things that are put into candy that are certainly deleterious to the health of the babies and the children. [Applause.]

A MEMBER. And our sweethearts.

Mr. CLAYTON. And our sweethearts, too, as somebody says. [Laughter.]

Now, Mr. Chairman, some of you millionaires over there, who are able to buy Huyler's candy, do not need this; but we poor fellows who have got to buy stick candy to give to our sweethearts, our babies, and our children, need this just as much as you need your oleomargarine bill. The babies cry for it. [Applause.]

Now, give us this. We not only need this, but we need protection against this fraudulent maple-sirup business that is practiced all over the country. Why, you yankees have had to abandon your wooden-nutmeg business, because we have got onto that; but every grocery store in my town sells your fraudulent maple sirup as the pure juice of the tree, boiled down to the proper consistency. [Laughter.] Now, protect us against all these. In the name of American liberty [laughter], in the name of the constitutional rights of our sweethearts, our children, and our babies, I beg you to adopt this amendment. [Applause.]

I withdraw the appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Alabama withdraws his appeal.

Mr. ALLEN of Kentucky. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

SEC. 4. That the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made from time to time, and at such times as he may deem necessary, of all factories and storehouses where butter is renovated; and all butter renovated at such places shall be carefully inspected in the same manner and to the same extent and purpose that meat products are now inspected. The quantity and quality of butter renovated shall be reported monthly. All renovated butter shall be designated as such by marks, brands, and labels, and the words "Renovated butter" shall be printed on all packages thereof in such manner as may be prescribed by the Secretary of Agriculture, and shall be sold only as renovated butter. Any person violating the provisions of this section shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be fined not less than \$50 nor more than \$500, and imprisoned not less than one month nor more than six months.

The Secretary of Agriculture shall make all needful sanitary and other rules and regulations for carrying this section into effect. And no renovated butter shall be shipped or transported from one State to another, or to foreign countries, unless inspected as provided in this section.

Mr. TAWNEY. Mr. Chairman, I make the point of order against this amendment that it is not germane to the section to which it is offered as an amendment.

Mr. WILLIAMS of Mississippi. Mr. Chairman, we want to be heard on that proposition.

Mr. TAWNEY. My point of order is this: This section relates exclusively to the imposition of a tax upon a certain product. The proposed amendment is intended to regulate, inspect, and supervise the manufacture of another product without any tax whatever.

The CHAIRMAN. The Chair thinks this is not germane to this section. It should be offered as an independent section at the proper time.

Mr. ALLEN of Kentucky. It was my purpose to offer that as an additional section, and at the end of this section I want it to be considered as pending, as an additional section.

The CHAIRMAN. It would not be proper to offer it in this connection.

Mr. ALLEN of Kentucky. I should like to have it considered as pending.

Mr. WILLIAMS of Mississippi. We ask, then, that it be considered as pending.

The CHAIRMAN. The gentleman asks unanimous consent that it be considered as pending. Is there objection?

Mr. MAHON and others objected.

Mr. WILLIAMS of Mississippi. Then we will ask for the floor at the proper time.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Minnesota to the committee amendment.

Mr. TAWNEY. Mr. Chairman, there have been so many amendments offered, I would like to have the Clerk read the amendment or have the Chair state the amendment that is proposed to be voted on now first.

The CHAIRMAN. If there is no objection, the Clerk will report the amendment. The committee amendment to which this is offered is already before the committee in print. The amendment to the committee amendment will be reported.

The Clerk read as follows:

Amend by striking out of the committee amendment entitled section 3 all after the word "That," in line 12 of page 3, and insert the following:

"Section 8 of an act entitled, 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886, be, and the same is hereby, amended so as to read as follows:

"Sec. 8. That upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax of 10 cents per pound, to be paid by the manufacturer thereof; and any fractional part of a pound in a package shall be taxed as a pound: *Provided*, That when oleomargarine is free from coloration or ingredient that causes it to look like butter of any shade of yellow, said tax shall be one-fourth of 1 cent per pound. The tax levied by this section shall be represented by coupon stamps; and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section."

The CHAIRMAN. The question is on the amendment just read.

Mr. LESSLER. Mr. Chairman, the gentleman from Minne-

sota [Mr. TAWNEY] made the statement in his opening remarks on this section that the consumer was protected here; but it is plain to all of us that the manufacturer is named here, and there is no question in the mind of anybody that if the consumer wants the product he has got to pay the 10 cents. There are some of us who are in earnest on the subject of protecting the consumer and those of us who represent large cities, and who know the conditions existing there, are well aware what the result will be. We understand why the poor man buys this imitation product, if you will call it that. We know that this 10-cent tax will have to come right out of his pocket, and it will come out of the pockets of people to whom every penny is important.

It is very much like a bill that might be introduced here imposing a penalty in favor of a railroad company when a man is run over by the cars, allowing that company to sue the man who was run down. Here is a proposition to protect the poor man against fraud, to protect the hotel men against fraud, by asking somebody to pay 10 cents a pound tax. Ultimately, and in the last instance, that 10 cents will have to come out of the pockets of men who have very little money to spend, who want 15-cent butter or butterine or oleomargarine, who do not want it white, who do not know how to color it, who will not learn how to color it, but who want the yellow product; and it is a shame and an outrage to deprive them of that which they want and which they ought to have. [Applause.]

Mr. STEPHENS of Texas. Mr. Chairman, I would be derelict in my duty to my constituents if I did not object to the passage of this bill. I represent the largest cattle-growing district in the greatest cattle-growing State in this Union, and I would misrepresent my people if I did not raise my voice against this iniquitous measure. The time-honored Democratic principle of equal rights to all and special privileges to none is plainly violated by this bill. The advocates of this bill object to oleomargarine because it is colored like butter, yet, at the same time, they claim the right to color butter. Why should Congress give butter makers the right to color their product and deny a like right to makers of oleomargarine? Why should the Elgin Creamery be permitted to buy up all the rancid butter in the country and renovate it and color it as they please, and then put it on the market and sell it as butter, and the makers of oleomargarine be deprived of this right? Is this equal rights for all and special privileges for none? If you make it unlawful to color oleomargarine, why not at the same time make it unlawful to color creamery butter or renovated butter? What is sauce for the goose should be sauce for the gander.

If it is lawful to color the product of the cream of the cow, should it not also be lawful to color the product of the tallow that comes from the cow's brother, the steer? The Whig and Republican parties have always contended for prohibitive tariff duties, so as to destroy foreign trade in our home markets, but this bill, the most indefensible piece of special legislation ever proposed in the American Congress, proposes to destroy and drive from the markets of this country the poor man's butter (oleomargarine), so that the creamery butter makers may be deprived of a dangerous competitor and thus be enabled to completely monopolize the butter business of the country and raise the price of creamery butter from 30 to 45 cents a pound at least. The Associated Press dispatches of January 20, this year, state that a butter trust with \$18,000,000 capital has been formed in New York, with Charles H. Patterson as manager. This trust has already bought up 400 creameries, and propose to buy up all the large creameries in this country.

This bill is in the interest of this dairy trust. By it they will destroy and drive oleomargarine out of the markets. Congress has been flooded with petitions from labor unions located in all the large cities protesting against the passage of this bill. They call oleomargarine the poor man's butter. They say that they can purchase it from 15 to 20 cents per pound, and that they can not afford to purchase creamery butter at the present price of 35 cents per pound. They claim that oleomargarine is a wholesome article of food; that it is pure and sweet, and is hard to distinguish from the best dairy product, and is far superior to renovated butter.

Therefore in the name of the laboring men of this country I protest against the passage of this bill. I also protest against its passage in the name of the cotton raisers of the South, for the reason that cotton-seed oil enters largely into the ingredients of oleomargarine, and the object of this bill is not to control the sale of oleomargarine, but to prevent its manufacture.

The caption of this bill declares that oleomargarine is an imitation dairy product; and in its first section declares everything not made exclusively of pure and unadulterated milk or cream is an imitation dairy product. The proviso at the end of this section will permit any State to prevent the sale or manufacture of oleomargarine if any "ingredient that causes it to look like butter" is used in the manufacture of oleomargarine.

Now, it is well known that cream and milk is used in the manufacture of oleomargarine, and it can not be made without it. Hence it is within the power of any State under this bill to prevent the manufacture of this poor man's butter, oleomargarine.

Section 3 of the bill declares that when oleomargarine is made in imitation of butter it shall be taxed 10 cents per pound. Now, the caption declares that oleomargarine is an imitation butter. Hence all oleomargarine will be taxed 10 cents a pound, and this is a prohibitive tax and will at once stop its manufacture, and this will depreciate the value of every beef steer, every hog, and every pound of cotton seed produced in this country. This loss will fall almost wholly on the South and West, and its benefits will accrue almost entirely to the North and East, so that we have not only to witness the great injustice of one industry seeking to destroy another, but also of one section of our country almost solidly lining up against another section for the purpose of throttling an industry that rivals one of their own.

As the price of the beef steer, the hog, and the cotton seed of the South and West goes down, the price of the dairy cow and butter in the East and North goes up. The millions thus lost in the one section will be gained in the other.

I shall attach to my speech a copy of a resolution adopted by the National Live Stock Association at its annual meeting at Denver, Colo., in December last. This resolution sets forth in plain terms the injustice of this bill. But we are told by the advocates of this bill that they would not object to oleomargarine if it was not colored yellow, so as to imitate butter. May I inquire when the creamery trust got a patent on the color known as yellow?

If they have a valid patent on this color, then the oleomargarine manufacturers could not use that color; otherwise they can. I had always thought that God gave that color to mankind, among others, when he made the rainbow; and the yellow color in the rainbow is certainly not a new discovery; hence it is not patentable, and one man has as much right to use it as another. It has also been shown that the makers of oleo were the first men to use yellow coloring matter in the manufacture of their product, and that the creamery-butter makers adopted the same color and now claim the exclusive right to use the color.

If coloring oleomargarine yellow is a fraud and a crime, then it should be wholly prohibited and punished as a crime and not taxed out of existence. But is it a fraud? If so, is it not also a fraud for the fair sex to powder or color their faces, because perchance some scheming Delilahs might thereby allure some strong and confiding Samsons into the toils of matrimony? Almost every article we eat or wear is judged by its color. This truism has produced a modern slang phrase, viz: When speaking of something out of the usual order of things, or of doubtful propriety, we often say that it is a "little off color." We find that beer, whisky, tobacco of all grades, candy, tea, cloth, and clothing of all kinds are almost universally colored by manufacturers, and if we undertake to regulate all these things by law we will have a government of paternalism run mad.

I object to this bill because I believe in the Democratic doctrine of States rights, and that the States themselves should legislate on these subjects, and not the Congress of the United States.

I am opposed to this bill because if enacted into a law it would be unconstitutional and void. The Constitution provides that all taxation shall be equal and uniform; but you, by this bill, propose to tax oleomargarine because it is colored yellow, and refuse to tax creamery butter or renovated butter, which is also often colored yellow. You propose to tax it because you say it purports to be butter when it is not butter, but is a fraud. If this contention is true, then you would have to tax the wooden nutmegs of New England and all other spurious things on the market, and thus secure uniformity of taxation.

I want to warn this House that this bill is most vicious and dangerous in its tendencies; that it subverts the fundamental principles of our Government; that it seeks to destroy a lawful business by an abuse of the taxing power of the Government; that it will array one section of the country against another, one business interest against another, in that it points out the remedy of taxation as a means of wrecking a rival business interest. It will array the laboring man against the capitalist, because in this piece of legislation he sees the creamery trust refuse to him the right to color the substitute for butter that his poverty forces him to buy, and by destroying the oleomargarine industry forces him to pay from 10 to 20 cents more per pound for creamery butter than the former price.

This species of legislation will array the strong populous parts of our country against the weaker parts, the stronger rival business against the weaker, and, in my judgment, is only the forerunner of a Pandora's box of like evil measures that will return with frightful regularity to plague future Congresses.

The following is a resolution adopted by the National Live Stock Association:

HEADQUARTERS NATIONAL LIVE STOCK ASSOCIATION,
Denver, Colo.

The following resolution was unanimously adopted by the Fifth Annual Convention of the National Live Stock Association, held in Chicago, Ill., December 3, 4, 5, and 6, 1901:

Whereas the National Live Stock Association has heretofore announced itself as unalterably opposed to that class of legislation which builds up one industry at the expense of another equally as meritorious, and has opposed the passage of the bill for a law known as the "Grout bill," which certain dairy interests sought to have passed by the last Congress of the United States, but which failed to reach a vote; and

Whereas unofficial notice has been served upon the officers of this association that this same measure will be reintroduced in the coming session of Congress and forced to an issue; and

Whereas the openly expressed intention of the movers of this law is to destroy the manufacture of oleomargarine, a product of the packing house, which has been declared by Government authorities to be a pure food product as wholesome and healthful as butter; and

Whereas the stockmen of the United States believe that this product should be sold upon its own merits, and favor any legislation that will prevent or compel the manufacturers to sell their product for just what it is, a substitute for butter, but draw the line on legislation that would unjustly hamper the industry by compelling the manufacturers to offer their product in a form that would make it offensive to the eye of the consumer, and consequently unpalatable; and

Whereas the so-called "Wadsworth" substitute for the Grout bill, offered in the last Congress, which provides that the oleomargarine product be only offered for sale in one and two pound packages, each package labeled in plain letters, meets with the approval of the members of this association: Therefore,

Resolved, That the National Live Stock Association, in convention assembled, representing more than four billions of invested capital, reiterates its former expressed disapproval of such class legislation as the old Grout bill, and we protest against the passage of any law of this nature, firmly believing that such legislation is unjust, unconstitutional, and unfair, and not to be tolerated in a free country.

Resolved, That we heartily approve of such legislation as the law proposed by the Wadsworth substitute in the last Congress, and we approve any legislation which, in a legitimate manner, compels manufacturers to offer their products for sale for just what they are.

Resolved, That we heartily indorse the position taken by Hon. J. W. WADSWORTH, chairman of the House Committee on Agriculture in the last Congress, and believe that, in justice to him, he should be retained as chairman of that committee in the present Congress. The thanks of this convention are due, and are hereby tendered, to Senators MONEY of Mississippi, HEITFIELD of Idaho, WARREN of Wyoming, and BATE of Tennessee, members of the Senate Committee on Agriculture, for their able and successful opposition to the passage of the Grout bill during the closing session of the last Congress.

Resolved, That the executive committee of this association be instructed to forward copies of these resolutions to Congress and to take such action as it may think necessary and proper to oppose the passage of any bill containing such provisions as the so-called Grout bill.

Attest:

JOHN W. SPRINGER, *President*.
CHAS. F. MARTIN, *Secretary*.

Mr. TAWNEY. I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment just reported.

The question was taken; and the amendment was rejected.

Mr. ALLEN of Kentucky. Mr. Chairman, I offer the following.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Illinois.

The question was taken; and the substitute was agreed to.

The CHAIRMAN. The question is on the substitute as amended.

The question was taken; and the amendment was agreed to.

Mr. ALLEN of Kentucky. I offer the following section.

The Clerk read as follows:

SEC. 4. That the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made from time to time, and at such times as he may deem necessary, of all factories and storehouses where butter is renovated; and all butter renovated at such places shall be carefully inspected in the same manner and to the same extent and purpose that meat products are now inspected. The quantity and quality of butter renovated shall be reported monthly. All renovated butter shall be designated as such by marks, brands, and labels, and the words "renovated butter" shall be printed on all packages thereof, in such manner as may be prescribed by the Secretary of Agriculture, and shall be sold only as renovated butter. Any person violating the provisions of this section shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be fined not less than \$50, nor more than \$500 and imprisoned not less than one month nor more than six months.

The Secretary of Agriculture shall make all needful sanitary and other rules and regulations for carrying this section into effect, and no renovated butter shall be shipped or transported from one State to another, or to foreign countries, unless inspected as provided in this section.

Mr. TAWNEY. Mr. Chairman, I make the point of order that this amendment is not germane to this bill.

Mr. ALLEN of Kentucky. In what respect.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. TAWNEY. This bill is, in fact, a revenue bill. It provides for a tax on oleomargarine. It is only an amendment to the existing law, relating exclusively to this subject of taxing and regulating the manufacture and sale of oleomargarine. It relates exclusively to the Internal Revenue Department, under whose administration the law has been placed. It is a revenue measure in that sense, while the proposed amendment relates exclusively to

the manufacture of another product free from all tax and places the manufacture of that product under an entirely different department of the Government.

Mr. ALLEN of Kentucky. Mr. Chairman, the intent and the purpose of this legislation is to prevent fraud. That is the claim of gentlemen upon the other side. Now, if this legislation proposed in that amendment is to prevent fraud also in the sale of butter, I would like to know the reason why it is not germane to the subject. That is the whole object and purpose of it.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I desire to be recognized on that point of order; and in that connection I want to call the attention of the Chair to the title of this bill, so as to show that this amendment is in order under the title of the bill. If the Chair will turn to the amended title, at the end of the bill, he will find this language:

A bill to make oleomargarine and other—

Other—

imitation of dairy products subject to the laws of the State or Territory, etc., and to put a tax upon it.

Now, then, if renovated process butter is not "other imitation of dairy products," I would like to know what would fall within that definition?

Mr. WANGER. Is it to make it subject to the laws of the State or Territory?

Mr. WILLIAMS of Mississippi. The subject-matter is the same, if it is for the purpose of dealing with the imitation of dairy products. It is true it deals with it in a different manner, and if it reach and touch the subject-matter, I do not believe the manner in dealing with it cuts out the jurisdiction.

Mr. McCLEARY. It is not an imitation butter dairy product. Mr. WILLIAMS of Mississippi. It is an imitation dairy product, if there is anything about it but old rancid butter picked up, and the most of it oleomargarine.

Mr. McCLEARY. But it is butter.

Mr. WILLIAMS of Mississippi. And furthermore, it is to amend an act defining butter. This title reads as I have said, and it furthermore reads "to amend an act defining butter." Now, if the Chair please, just one moment. After the language referring to other dairy products, in the fore part of the title, I call the Chair's attention to the further provision in the title, namely, "And to amend an act entitled 'An act defining butter,'" and the gentleman's amendment does not define butter.

The CHAIRMAN. The Chair is of the opinion that it is germane, although it is questionable as to whether the jurisdiction is obtained over the proposition without any taxation being connected with it. But the question being one of imitation butter, the Chair is of opinion that this section is germane. As to its constitutionality, of course, the Chair can not pass upon that. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

Mr. ALLEN of Kentucky. I desire to be heard. [Cries of "Vote!" "Vote!"] Why, gentlemen, are you so anxious to vote? I was assured during the remarks I made a few days since by the gentleman managing this bill that they did not propose that any amendment should come in save and except committee amendments. I say to my friend that he has not kept faith; that he has not followed the track that he laid out. This Committee of the Whole House this evening has added to this bill an amendment which was a broad plank of States' rights, and now I ask gentlemen to cross over on that plank, and let us add another amendment to the bill that will make it a better one than it now is.

Mr. Chairman, they say they want to prevent fraud; that that is the purpose of it; that they want to go into the hotel and the restaurant where men who get their meals are required to eat oleomargarine, a wholesome and healthy product. And now I will give you an opportunity to vote. If you want to protect the consumer, if you want to help the man who will eat a dangerous article of food, I assure you, gentlemen, you can do it by voting for this amendment, which brands and marks renovated butter as renovated butter.

Mr. WILLIAMS of Mississippi. Will the gentleman permit an interruption?

Mr. ALLEN of Kentucky. Certainly.

Mr. WILLIAMS of Mississippi. I want to say right here, I read to the House in the last Congress, and I have the authority of the chief of the dairy division of the Agricultural Department, who has to do with this renovated process butter, to say that it does more harm and is more unwholesome than oleomargarine.

Mr. ALLEN of Kentucky. I will read a part of a letter that was written by Mr. Henry E. Alvord, Chief of the Dairy Division of the Agricultural Department, to Dr. J. J. Baumann, 661 Jersey avenue, Jersey City, N. J. I will only read a part of it:

The chief objection to this renovated butter is that it is sold in large quantities under misrepresentation in place of fresh creamery butter, and at prices much above its actual value. Fraud upon purchasers and consumers is thus

perpetrated, and this is the feature connected with the business which needs governmental interference and regulation.

Very respectfully, yours,

HENRY E. ALVORD.

Now, Mr. Chairman, the propounders of this bill have relied upon the Agricultural Department as authority in propounding and proposing this character of legislation, and they are assured now by the Agricultural Department itself that this renovated butter is sold in fraud of right; that it is an injurious and dangerous product, which ought to be restricted, or at least ought to be required to be sold as renovated butter.

Mr. TAWNEY. Will the gentleman answer this question: Will you vote for the bill with this amendment in it?

Mr. ALLEN of Kentucky. No, sir; I would not. Take the taxing power that will destroy the industry out of it and I will. But I do not propose to tax renovated butter out of existence. I am not proposing to tax the renovated butter, but I am proposing that it shall be branded, in order that a consumer may know what he is eating, and if you desire to prevent fraud you are estopped from voting against the amendment I offer.

[Mr. FINLEY addressed the committee. See Appendix.]

Mr. TAWNEY. Mr. Chairman, I move that debate on the pending amendment be now closed.

The question was taken; and on a division (demanded by Mr. UNDERWOOD) there were—ayes 137, noes 70.

Mr. UNDERWOOD. I ask for tellers, Mr. Chairman.

The CHAIRMAN (after counting). Not a sufficient number, and tellers are refused. The ayes have it, and debate is closed on the pending amendment. The question now is on the amendment offered by the gentleman from Kentucky.

The question on the amendment was taken; and on a division (demanded by Mr. WILLIAMS of Mississippi) there were—ayes 129, noes 118.

Mr. HENRY of Connecticut. I demand tellers, Mr. Chairman. Tellers were ordered; and the Chair appointed as tellers Mr. HENRY of Connecticut and Mr. ALLEN of Kentucky.

The question was again taken; and the tellers reported—ayes 127, noes 107.

So the amendment was agreed to.

Mr. BOUTELL. Mr. Chairman, I offer an amendment to the bill.

The CHAIRMAN. The next section has not been read.

Mr. BOUTELL. This is an amendment to the bill preceding the section which the Clerk is about to read.

The CHAIRMAN. Is it offered as an additional section?

Mr. BOUTELL. This is a new section.

The CHAIRMAN. The gentleman from Illinois offers a new section to the bill.

Mr. HENRY of Connecticut. I ask that the reading of the bill may be proceeded with.

The CHAIRMAN. The committee will please be in order. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend the bill by inserting the following as section 5:

"That the tax on all fish put up in imitation of sardines shall be 10 cents a box, to be levied and collected in accordance with the provisions of this bill."

Mr. TAWNEY. Mr. Chairman, I make the point of order that the amendment is not germane.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HENRY of Connecticut. I ask now that the Clerk proceed with the reading of the bill.

The Clerk read as follows:

SEC. 4. That wholesale dealers in oleomargarine shall keep such books and render such returns in relation thereto as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulation, require; and such books shall be open at all times to the inspection of any internal-revenue officer or agent. And any person who willfully violates any of the provisions of this section shall for each such offense be fined not less than \$50 and not exceeding \$500 and imprisoned not less than thirty days nor more than six months.

The CHAIRMAN. The question is on the amendment proposed by the committee.

The question was taken; and the amendment was agreed to.

Mr. FLEMING. Mr. Chairman, I offer an amendment as a new section to the bill.

The Clerk read as follows:

Amend by adding a new section as follows:

"The purpose of this bill is to prevent the practice of fraud, and not to raise revenue."

Mr. GROSVENOR. Mr. Chairman, I make the point of order that that is not legislation. [Laughter.]

Mr. FLEMING. Not that it is out of order?

Mr. GROSVENOR. That is a stump speech. [Laughter.]

Mr. FLEMING. The gentleman does not get the full force of it. Mr. Chairman, if there has been one thing more patent in

this debate than another it is that the purpose of this bill, as claimed by its advocates, is to prevent the practice of fraud, and not to raise revenue. Why should we not tell the truth and allow this section to go in? I am frank to say that my purpose in putting it there is to give the Supreme Court an opportunity to knock out the entire bill, as I think they will do. All I want is to get the facts before the court.

The CHAIRMAN. There was no point of order raised.

Mr. TAWNEY. A point of order was made that the amendment was not germane.

The CHAIRMAN. The point of order has not yet been made.

Mr. FLEMING. The gentleman from Minnesota [Mr. TAWNEY] did not catch the delicate wit of the gentleman from Ohio [Mr. GROSVENOR], who said that the statement of fact in the amendment was not necessary; that it was perfectly patent that this was not a revenue bill and not a bona fide effort to protect the people against fraud. This amendment embodies simply a statement of fact—a matter that has been admitted by almost every man on the floor who has argued the bill.

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. FLEMING. Yes.

Mr. GROSVENOR. Does not the gentleman think that in construing this statute the court would look at the statute itself and not at a supplemental declaration of this character?

Mr. FLEMING. Let me ask the gentleman, does he not think that if a declaration of this kind be made a part of the statute it makes clearer to the court what the real intent of the statute is, and gives the court the opportunity to apply the law and declare the whole bill unconstitutional.

Mr. GROSVENOR. I will as an answer to the gentleman's question ask him another question. [Laughter.] Does this proposition make any clearer to the gentleman himself what the purpose of the bill is than it would be without this provision?

Mr. FLEMING. I think not, but the judges of the Supreme Court not having had the opportunity to hear the numerous admissions on this floor in regard to the purpose of the bill, I want to put the admission in such a shape that the court will have it before their eyes as a part of this law, and consequently will declare the entire law unconstitutional.

Mr. GROSVENOR. I have not any doubt that they will do that in any event, for the fact is that never before was such a question as this presented to the Supreme Court of the United States.

The question being taken on the amendment of Mr. FLEMING, it was rejected, there being—ayes 71, noes 163.

Mr. HENRY of Connecticut. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the bill the following section:
"SEC. 6. That this act shall take effect on the 1st day of July, 1902."

The amendment was agreed to.

Mr. HENRY of Connecticut. I offer a further amendment, to perfect the title.

Mr. RICHARDSON of Tennessee. I submit that an amendment to the title is not in order at this stage.

Mr. HENRY of Connecticut. I ask to have the amendment read.

Mr. RICHARDSON of Tennessee. But it is not in order until the consideration of the bill is completed. I desire to offer as an amendment an independent section.

The CHAIRMAN. The gentleman from Connecticut [Mr. HENRY] will withhold his amendment for the present; the gentleman from Tennessee [Mr. RICHARDSON] desires to offer an amendment to the bill.

Mr. RICHARDSON of Tennessee. As an independent section I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend the bill by adding the following section:

"That upon all products manufactured by the United States Steel Corporation, a company organized under the laws of New Jersey, there be assessed and collected an internal-revenue tax of 10 per cent ad valorem, to be paid by said corporation. And that upon all other products manufactured in the United States by corporations known as trusts there shall be assessed and collected a tax of 5 per cent ad valorem, to be paid by the manufacturer. "All laws for the assessment and collection of internal-revenue taxes shall apply to the provisions of this act."

Mr. HENRY of Connecticut. I make the point of order that this amendment is not germane.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I want to say a word on the point of order, and only a word.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. RICHARDSON of Tennessee. Mr. Chairman, the pending bill is claimed by its friends to be a revenue bill. In objecting to the amendment proposed by the gentleman from Kentucky [Mr. ALLEN] a little while ago, the gentleman who speaks for the bill [Mr. TAWNEY] said that this was a revenue bill, a bill designed for revenue purposes. As a bill for revenue purposes it taxes

one industry for the benefit of another. It taxes one product of a manufactory for the benefit of another. The amendment I propose taxes the products or the manufactures of certain corporations. It imposes a revenue tax of 10 per cent ad valorem. The language of the amendment is:

That upon all products manufactured by the United States Steel Corporation, a company organized under the laws of New Jersey, there be assessed and collected a tax of 10 per cent ad valorem, to be paid by the said corporation, and that upon all other products manufactured in the United States by corporations known as trusts there shall be assessed and collected a tax of 5 per cent ad valorem, to be paid by the manufacturer.

Mr. GREEN of Pennsylvania. I wish to ask whether the Democratic leader of this House really believes this amendment if adopted would be germane?

Mr. RICHARDSON of Tennessee. Why, certainly; I am arguing that it is germane. It is germane because we have before us a revenue bill, and when you bring in a bill to raise revenue, a bill imposing a tax, as this bill proposes to do, on a certain product, I insist we can tax the product of another industry or manufacture, and that being so, the amendment is germane to the bill. You can not undertake to say, because a bill covers two subjects, that the latter would not be germane. Tax bills cover many subjects.

You bring a bill here taxing the product of one industry for revenue. That is what the gentleman from Minnesota [Mr. TAWNEY] says the pending bill is here for, and that, in effect, is what the committee has just decided, as I understand it. The bill is upheld because it is a bill raising revenue. The object of the bill is expressed on its face, but the committee, by voting down the amendment offered by the gentleman from Georgia, has decided that it is a revenue bill. The committee has proceeded all along upon the idea that it is a bill raising revenue; and without that how would it have any status in the House?

Mr. GROSVENOR. Will the gentleman allow me to ask him a question?

Mr. RICHARDSON of Tennessee. In a moment. Originally, in 1886, when the first oleomargarine bill was considered in this House, it was then considered alone, as I remember it, upon the idea that it was a revenue-raising bill, as the gentleman from Ohio [Mr. GROSVENOR] remembers.

Mr. GROSVENOR. Yes.

Mr. RICHARDSON of Tennessee. This bill enlarges or extends that act, and being a bill to raise revenue, we have the right, it seems to me, to offer this amendment. Now I yield to the gentleman from Ohio.

Mr. GROSVENOR. What I want to ask the gentleman is, if this is a bill to raise revenue, how did it get to the Committee on Agriculture?

Mr. RICHARDSON of Tennessee. How did the bill of 1886 get there?

Mr. GROSVENOR. It did not get there.

Mr. RICHARDSON of Tennessee. It did get there, and the gentleman from Missouri, Mr. Hatch, chairman of the Agricultural Committee, had charge of it.

Mr. TAWNEY. It got there by a vote of the House in 1886.

Mr. McRAE. I should like to suggest to the gentleman that it went there by a vote of the House on the motion of Mr. Hatch.

Mr. RICHARDSON of Tennessee. That may be.

The CHAIRMAN. The Chair sees no difficulty whatever in the proposition. This is a bill to regulate the interstate commerce in oleomargarine, and incidentally to tax the same. The question of taxing butter and regulating the butter and oleomargarine business has no connection with the proposition in the amendment now offered. It is therefore not germane. The Chair sustains the point of order.

Mr. HENRY of Connecticut. I move that the committee do now rise and report the bill to the House.

Mr. WADSWORTH. I move to strike out all after the enacting clause, and substitute the following, which I ask the Clerk to read.

The Clerk began the reading of the proposed substitute, which is as follows:

Bill offered as a substitute for H. R. 9206 by the minority of the Committee on Agriculture of the House of Representatives.

A bill to amend sections 3 and 6 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

Be it enacted, etc., That sections 3 and 6 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, be amended so as to read as follows:

"SEC. 3. That special tax on the manufacture and sale of oleomargarine shall be imposed as follows:

"Manufacturers of oleomargarine shall pay \$900 per annum. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer thereof.

"Wholesale dealers in oleomargarine shall pay \$480 per annum. Every person who sells or offers for sale oleomargarine in quantities greater than 10 pounds at a time shall be deemed a wholesale dealer therein; but a manufacturer of oleomargarine who has given the required bond and paid the

required special tax, and who sells oleomargarine of his own production only at the place of its manufacture in the original packages, to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer on account of such sales.

"Retail dealers in oleomargarine shall pay \$18 per annum. Every person who sells or offers for sale oleomargarine in quantities not greater than 10 pounds at a time shall be regarded as a retail dealer therein. And sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, and 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section, and to the persons upon whom they are imposed: *Provided*, That in case any manufacturer of oleomargarine commences business subsequent to the 30th day of June in any year, the special tax shall be reckoned from the 1st day of July in that year, and shall be \$500."

"Sec. 6. That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller packages; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word 'oleomargarine' in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with paper wrapper with the word 'oleomargarine' printed on the outside thereof in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put up singly by the manufacturer thereof in such wooden or paper packages or in such wrappers, and marked, stamped, and branded with the word 'oleomargarine' printed thereon in distinct letters, and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word 'oleomargarine,' with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe."

"Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed, and shall sell only from the original crates or boxes in which they receive the pound or 2-pound prints, bricks, rolls, or lumps; which said crates or boxes shall be, at all times, so placed as to expose to the customer the mark or brand affixed thereon by the requirements of this act."

"Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine otherwise than as provided by this act, or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any oleomargarine in any manner contrary to law, or who shall sell or offer for sale, as butter, any oleomargarine, colored or uncolored, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than \$100 nor more than \$500 and be imprisoned not less than thirty days nor more than six months, and for the second and every subsequent offense shall be fined not less than \$200 nor more than \$1,000 and be imprisoned not less than sixty days nor more than two years."

Mr. WADSWORTH (during the reading). I ask unanimous consent to dispense with the further reading of the substitute. It is printed in the views of the minority, and I can explain it in a minute or two.

The CHAIRMAN. If there is no objection, the further reading will be dispensed with.

There was no objection.

Mr. WADSWORTH. This bill, offered by the minority of the Committee on Agriculture, is printed in the last page of the report.

Mr. Chairman, by this bill, in the first place, we preserve all the license fees demanded by the law of 1886—\$600 a year for the manufacturer, \$480 a year for the wholesaler, and \$48 a year for the retail dealer—and we preserve the 2 cents a pound tax. That part of the bill of 1886 is not altered in one iota.

Now, instead of allowing the manufacturer of oleomargarine to sell it in tubs of 10, 20, 30, 40, or 50 pounds—and if I recollect right there is no limit to the size of the tub in the majority bill—we forbid him to manufacture and sell it, except in two ways: In pound or 2-pound tablets, upon which he must indent the word "Oleomargarine" in letters the size and depth of which shall be prescribed by the Commissioner of Internal Revenue.

Then he shall wrap it in a wrapper of tissue paper, upon which is printed the name of the manufacturer, the district, and again the word "Oleomargarine." As a second wrapper he must wrap it in cheese cloth or in wooden cloth, with the word "Oleomargarine" printed on it in this way [illustrating], and around the whole the revenue stamp, represented by that blue band. Then the retail dealer and the wholesale dealer are forbidden under severe penalties to sell it to the consumer in any form except as above provided for.

The minute he attempts, as has been suggested on this floor, to take 10 or 20 of these 1-pound packages, take off the wrappers, and throw them into a tub and mix them up, for every time that he breaks a package he violates the law by breaking that revenue stamp. If he takes 20 pounds and mixes them up, he commits 20 violations of the law, subjecting him to 20 penalties.

Now, the majority bill compels the sale of oleomargarine in tubs, containing any number of pounds—

Mr. DAHLE. We do not force it.

Mr. TAWNEY. In not less than 10-pound tubs.

Mr. WADSWORTH. Not less than 10 pounds. I thank the gentleman for correcting me.

Mr. Chairman, the law goes further. It demands and enforces that the manufacturer of oleomargarine shall ship it in boxes or

crates marked with the name of the manufacturer and the word "oleomargarine" on each side, and then it goes further and makes a provision which I frankly confess I do not know whether we can enforce or not. It says that the retail dealer or the wholesale dealer must keep that box in evidence, and must sell the oleomargarine from that box.

Mr. GROSVENOR. That is not any different from the law in regard to kegs of beer, etc.

Mr. WADSWORTH. My point is simply this, that in the summer time this box probably would have to be kept in a refrigerator, and perhaps for that reason the dealer might not be able to strictly comply with the law.

Mr. Chairman, under the majority bill the product can be sold in 10, 20, 30, 40, and 50-pound tubs. I think this is a 10-pound tub. It goes into the hands of the wholesale or retail dealer, and the consumer goes in and asks for a pound of butter. The dealer goes down into the cellar and scoops up a pound of oleomargarine and sells it to the consumer as butter. Now, as fraud is sought to be stopped by both bills, I submit to the House would not the minority bill most nearly and effectually accomplish that purpose?

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS of Mississippi. I ask that the gentleman may have five minutes more time.

Mr. WADSWORTH. I think the ocular demonstration I have made more effective than all the talk that could be made upon the subject.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WADSWORTH. I want to ask the House in all fairness under which law is the fraud most difficult to perpetrate? The retail or wholesale dealer can sell 50 pounds to one consumer and he perpetrates but one violation of the law and is subject but to one fine. The man who sells but 1 pound or 2 pounds is subject to the same penalty. [Applause.] If the severity of the penalty imposed is going to prevent a fraud, then the minority bill will be the most effective, for it imposes, by long odds, the severest penalties. This is a matter which you can see with your own eyes.

Mr. WILLIAMS of Mississippi. One thing I would like the gentleman to make plain to the House, and that is the very fact that if in the sale of one of these packages the revenue stamp is broken he is made amenable to the punishment under the substitute bill, regardless of how it happened.

Mr. WADSWORTH. I said a short time ago that the moment he breaks that stamp he violates the law and is subject to the penalty, and if he violates the law in breaking the stamp in two separate pound packages he violates the law twice, while if he breaks the stamp on this 50-pound package he violates it but once. I have explained the practical working of the bill by this ocular demonstration, and do not care to say anything more.

Mr. PEARRE. Then I would like to be recognized in my own right.

The CHAIRMAN. The gentleman from Maryland is recognized.

[Mr. PEARRE addressed the committee. See Appendix.]

The CHAIRMAN. The debate is exhausted on the amendment.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Mississippi moves to strike out the last word.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I heard with absolute astonishment the beginning of the remarks of the gentleman from Maryland [Mr. PEARRE]. He said he did not believe that this substitute bill was introduced here for the purpose of decreasing frauds in the oleomargarine business, and that they would not be decreased under it any more than they are under the present law. It may be possible that the substitute bill will not put an end to all frauds. It is hard for law to do that, but it is still harder for me to believe in the mental integrity of a man who would say that we have not introduced this bill bona fide for the purpose of shutting off frauds in the oleomargarine business.

That is not all. The gentleman wants to know who will shut them off. A little while ago the Republican party had a Secretary of the Treasury who was supposed to be an honest man. The gentleman from New York [Mr. WADSWORTH] is supposed to be an honest man. The gentleman from Pennsylvania [Mr. CONNELL] is supposed to be an honest man. The gentleman from Kentucky [Mr. ALLEN] is presumed to be one, but the gentleman from Maryland seems to imagine that these colleagues of his in the House will introduce a bill to cut off frauds in the oleomargarine business without the purpose of so doing, and I would like to read him how it would be cut off from the mouth of Secretary Gage himself when examined before the Senate committee. I read:

Mr. SPRINGER. The difficulties which have been called to the attention of the committee in regard to the selling of oleomargarine or butterine seem to

relate to the fact that the retail dealer may break the original package and deal it out in smaller quantities to suit the desires of the purchaser, and in so doing he can sell oleomargarine or butter to a consumer who presumes that he is buying butter.

Now, I desire to ask you whether it would be possible to make such rules and regulations (if the law so authorizes) requiring the selling of oleomargarine to the consumer by the agents of the manufacturer or the retail dealer in the original package, without breaking even the stamp itself around the original package, that the selling of oleomargarine for butter would be prevented, and it would have to be sold for what it really is?

Secretary GAGE. I think so. I have read the amendment or substitute bill recommended by the minority report of the House committee.

The ACTING CHAIRMAN. That is what is known as the Wadsworth bill?

Secretary GAGE. It provides a method of putting up oleomargarine in packages of 1 pound or not more than 2 pounds, I believe. Am I right?

Mr. SPRINGER. Yes, sir; that is right.

Secretary GAGE. They are, as I understand, required to be separate and distinct from each other, with a revenue stamp wound around them and sealed as effectively as a box of cigars is with its stamp. I can not imagine any reason why that would not be a very effective means of preventing the dealer from opening these packages and selling the product as butter. The abuse in that respect would be reduced to an infinitesimal amount. Of course a dealer could cut a package in two, obliterate the stamp, and sell half a pound at a time as butter.

Senator MONEY. That is possible with cigars and everything else, is it not?

Secretary GAGE. It is possible in every department, but the temptation would be so small, and the penalties so great, that my opinion is that such deception would scarcely be practiced at all.

Mr. SPRINGER. That is to say, if the dealer is required to sell it to the consumer in the original packages and is not allowed to break them?

Secretary GAGE. That is what I mean.

Mr. SPRINGER. It would almost do away with the possibility of fraud on the consumer?

Secretary GAGE. Yes, sir.

Mr. TAWNEY. Mr. Chairman, I said during the debate on the amendment offered by the gentleman from Illinois to the first section of this bill that it was an attempt to do indirectly what the substitute known as the Wadsworth substitute proposed to do directly, and that was to break down the laws of thirty-two States of the Union that have prohibited the manufacture and sale of oleomargarine colored in imitation of butter.

I know the gentleman said it does not do anything of the sort. One supporter of the substitute said to me on this floor yesterday that all they wanted was to pass the substitute in order that they could sell oleomargarine in the States where it is now prohibited. I will tell the Committee of the Whole how they propose to accomplish it. This morning I cited you a decision of the supreme court of the State of Maryland rendered only last month, in which it was held that under the laws of that State the sale of oleomargarine in original packages manufactured and shipped into the State could not be prevented by an act of the legislature.

Now, observe the specific language of this substitute with reference to how these packages are to be packed. The goods are to be put up in original packages—1 or 2 pound packages; and the package is not to be changed from the time it leaves the factory to the time it reaches the consumer; and then the amendment very artfully says—

Provided, That any number of such original stamped packages may be put by the manufacturer in crates or boxes.

Now, if you want to break down the law of your respective States, so that oleomargarine may be admitted therein and sold, notwithstanding your State laws, then vote for this substitute and you will accomplish that result. The package as it leaves the factory, under this substitute, would be an original package, and under the decision of the Supreme Court of the United States and the decisions of the supreme courts of the States that original package could not be touched by the laws of any State until it reached the consumer.

I say that, whether this is the purpose of the chairman of the committee or not, I am confident that nine-tenths of the members of this House who are supporting this substitute do it advisedly, knowing that the laws of the States which have prohibited the manufacture and sale of oleomargarine colored to resemble butter will be entirely destroyed, so far as the sale of this product in their States as an article of interstate commerce is concerned; and it is for that reason that this legislation is sought.

But, Mr. Chairman, let us inquire more particularly into the provisions of this proposed substitute offered by the gentleman from New York [Mr. WADSWORTH]. It is important that every member of this House should clearly understand its provisions, because it is upon this substitute and its apparent fairness and its apparent attempt to prevent fraud that the oleomargarine manufacturers and their friends rely to defeat the passage of the anti-oleomargarine bill under consideration.

Wherein is this so-called Wadsworth substitute any improvement over the oleomargarine law of 1886, which law has proven so ineffectual in the matter of protecting the public against fraud in the sale of oleomargarine? The provisions which the gentleman from New York [Mr. WADSWORTH] so eloquently lauded as being perfect and most effectual in stamping out fraud in the sale of this product are contained in section 2, which reads as follows:

SEC. 2. That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine,

before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word "oleomargarine" in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with paper wrapper with the word "oleomargarine" printed thereon in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put by the manufacturer thereof in such wooden or paper packages or in such wrappers and marked, stamped, and branded with the word "Oleomargarine" printed thereon in distinct letters, and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word "Oleomargarine," with such other marks and brands as the Commissioner of Internal Revenue shall by regulations approved by the Secretary of the Treasury prescribe.*

"Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed."

"Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine otherwise than as provided by this act or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any oleomargarine in any manner contrary to law, or who shall sell or offer for sale, as butter, any oleomargarine, colored or uncolored, or who falsely brands any package, or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than one hundred nor more than five hundred dollars and be imprisoned not less than thirty days nor more than six months; and for the second and every subsequent offense shall be fined not less than two hundred nor more than one thousand dollars and be imprisoned not less than sixty days nor more than two years."

What are the provisions of the present law with respect to the sale of oleomargarine and the marking of packages, and also in respect to the penalties imposed for violations of the law and violations of the regulations prescribed by the Commissioner of Internal Revenue? Section 6 of the present law, relating to this branch of the subject, reads as follows:

SEC. 6. That all oleomargarine shall be packed by the manufacturer thereof in firkins, tubs, or other wooden packages not before used for that purpose, each containing not less than 10 pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and all sales made by manufacturers of oleomargarine and wholesale dealers in oleomargarine shall be in original stamped packages. Retail dealers in oleomargarine must sell only from original stamped packages, in quantities not exceeding 10 pounds, and shall pack the oleomargarine sold by them in suitable wooden or paper packages, which shall be marked and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine in any other form than in new wooden or paper packages as above described, or who packs in any package any oleomargarine in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than \$1,000, and be imprisoned not more than two years.

You will note that the present law provides for an extreme penalty of \$1,000 fine and two years' imprisonment for each offense. The Wadsworth substitute, under guise of stricter provisions against fraud, limits this penalty to \$500 fine and six months' imprisonment for the first offense.

Now, what does the present law provide in the shape of safeguards against fraud upon the consumer? That—

Retail dealers in oleomargarine must sell only from original stamped packages, in quantities not exceeding 10 pounds, and shall pack the oleomargarine sold by them in suitable wooden or paper packages, which shall be marked and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

And what provisions for marking and branding has the Commissioner of Internal Revenue prescribed? First, that all retail packages of oleomargarine must be legibly stamped in plain Roman letters, not less than one-quarter inch in height; that the stamp must be in ink in marked contrast in color with the paper, and that these marks must be in plain sight to the purchaser when he is handed the package. The rulings of the Department, which under this act have the force of law, explicitly provide that concealed or illegible marks are not in compliance with the law, and that when so concealed or made illegible will be considered as not marked.

Yet, despite the fact that the penalties in the existing law are four times as severe for failing to stamp oleomargarine properly as the proposed Wadsworth substitute provides for the removal of the marks, it is known that these provisions are daily violated with impunity. In the big city of Chicago, where more than 2,000 retail dealers in oleomargarine do business, not one of them advertises oleomargarine for sale. Recently two members of the Committee on Agriculture went into 10 places, one after the other, and at every place were given oleomargarine either unstamped entirely or illegibly stamped, in response to requests for the best grade of creamery butter. This condition has been known to the internal-revenue officers at Chicago through the evidence introduced here the past two years, if in no other way, and we have no evidence that there has been any effort to remedy it.

And why? The collector of internal revenue at Chicago, as well as at every other point, knows that these dealers have paid their license and have the right, so far as the Government is concerned, to sell oleomargarine. They know that the oleomargarine these dealers are selling comes from manufacturers who have paid the

2 cents per pound tax thereon. They know that the failure of these dealers to stamp the retail packages properly involves no loss of revenue to the Government; revenue officials are guarding the Government's revenues, not acting as policemen to enforce police regulations. They are zealous and faithful when the protection of revenue is involved, but they do not get up much enthusiasm in prosecuting a dealer who pays his license, and the more he cheats the public into purchasing this revenue-paying article the more revenue he produces at the rate of 2 cents per pound.

Now, wherein does the Wadsworth substitute provide greater precautions than are at present provided?

If the dealer to-day fails to stamp a retail package "oleomargarine," he is liable to a fine of \$1,000 and two years' imprisonment. Under the Wadsworth substitute, if he accomplishes the same thing through the removal of the stamp and marks of identification, he is liable only for a fine of from \$100 to \$500, and not less than thirty days and not more than six months' imprisonment for the first offense.

One is a crime of omission, with two years' imprisonment provided, the other a crime of commission, with but six months' imprisonment. Which is the better law?

Now, let us look a little into the safeguards thrown around this traffic by the majority bill. It provides a tax of 10 cents a pound when oleomargarine is made in imitation or color of butter, which it is illegal to sell in 32 States. This 10-cent tax is intended to bring the price of this illegal article up to a cost that will take from it the incentive to defraud, which is always present with the facilities afforded for its sale as butter. It reduces to one-fourth of a cent per pound the tax on the uncolored article, which can be sold legally in any State. Note the contrast.

The Wadsworth measure, in making 1 and 2 pound packages "original" packages, is a deep-laid plan to more completely tie the hands of the States and render their laws ineffective by intrenching an outlawed article behind the interstate-commerce law. It is drawn in the interest of the makers of oleomargarine to give this counterfeit a standing before the courts that it has never had before, that of giving the retailer a right he has never had before, the selling of an original package.

Suppose the Wadsworth substitute were adopted. Where are the colored goods to be sold? You can not legally sell them in Maine; that State has prohibited their sale since 1895. You can not lawfully sell them in New Hampshire; they can not be sold in Vermont; since 1891 Massachusetts has forbidden their sale, and while this law was vigorously fought up to the United States Supreme Court, in the case of *Plumley v. People* (U. S., 155) the law was upheld by this highest court in 1895, in which Mr. Justice Harlan, rendering the court's opinion, said:

It will be observed that the statute of Massachusetts, which is alleged to be repugnant to the commerce clause of the Constitution, does not prohibit the manufacture or sale of all oleomargarine, but only such as is colored in imitation of yellow butter, produced from pure, unadulterated milk, or cream of such milk. If free from coloration or ingredient "that causes it to look like butter," the right to sell it "in a separate and distinct form, and in such manner as will advise the consumer of its real character," is neither restricted or prohibited.

It appears in this case that oleomargarine in its natural condition is of "a light yellowish color," and that the article sold by the accused was artificially colored "in imitation of yellow butter." Now, the real object of coloring oleomargarine so as to make it look like genuine butter is that it may appear to be what it is not, and thus induce unwary purchasers who do not closely scrutinize the label upon the package in which it is contained to buy it as and for butter, produced from unadulterated milk, or cream from such milk.

The suggestion that oleomargarine is artificially colored so as to render it more palatable and attractive can only mean that customers are deluded by such coloration into believing that they are getting genuine butter. If anyone thinks that oleomargarine not artificially colored so as to cause it to look like butter is as palatable or as wholesome for purposes of food as pure butter, he is, as already observed, at liberty under the statute of Massachusetts to manufacture it in that State or to sell it there in such manner as to inform the customer of its real character. He is only forbidden to practice in such matters a fraud upon the general public.

The statute seeks to suppress false pretenses and to promote fair dealing in the sale of an article of food. It compels the sale of oleomargarine for what it really is by preventing its sale for what it is not. Can it be that the Constitution of the United States secures to anyone the privilege of manufacturing and selling an article of food in such manner as to induce the mass of people to believe that they are buying something which, in fact, is wholly different from that which is offered for sale? Does the freedom of commerce among the States demand a recognition of the right to practice a deception upon the public in the sale of any articles, even those that may have become the subject of trade in different parts of the country? * * *

You can not lawfully sell this counterfeit article in Connecticut, this State having forbidden it in 1895. New York outlawed this colored article as far back as 1887, and revised the law in 1893. The oleomargarine people thought this law to be unconstitutional, but in the case of *People v. Arenburg* (105 N. Y., 123, 129, and 130) the court said:

"Assuming, as is claimed, that butter made from animal fat or oil is as wholesome, nutritious, and suitable for food as dairy butter; that it is composed of the same elements and is substantially the same article, except as regards its origin, and that it is cheaper, and that it would be a violation of the constitutional rights and liberties of the people to prohibit them from manufacturing or dealing in it, for the mere purpose of protecting the pro-

ducers of dairy butter against competition, yet it can not be claimed that the producers of butter made from animal fats or oils have any constitutional right to resort to devices for the purpose of making their product resemble in appearance the more expensive article known as dairy butter, or that it is beyond the power of the legislature to enact such laws as they may deem necessary to prevent the simulated article being put upon the market in such a form and manner as to be calculated to deceive.

"If it possesses," continued the court, "the merits that are claimed for it, and is innocuous, those making and dealing in it would be protected to the enjoyment of liberty in those respects, but they may legally be required to sell it for and as what it actually is and upon its own merits, and are not entitled to the benefits of any additional market value which may be imparted to it by resorting to artificial means to make it resemble dairy butter in appearance. It may be butter, but it is not butter made from cream, and the difference in cost or market value, if no other, would make it a fraud to pass off one article for the other."

Again: "The statutory prohibition is aimed at a designed and intentional imitation of dairy butter, in manufacturing the new product, and not at a resemblance in qualities inherent in the articles themselves and common to both." The court, therefore, held that artificial coloring of oleomargarine for the mere purpose of making it resemble dairy butter came within the statutory prohibition against imitation and "that such prohibition is within the power of the legislature, and rests upon the same principle which would sustain a prohibition of coloring winter dairy butter for the purpose of enhancing its market price by making it resemble summer dairy butter should the legislature deem such a prohibition necessary or expedient."

The goods can not be legally sold in Pennsylvania, the supreme court of that State having within the past eighteen months upheld a law forbidding traffic in colored oleomargarine. It can not be lawfully sold in Maryland. This law has a number of times been upheld by the higher courts of Maryland, and—

In *McAllister v. State* (72 Md., 390) the court of appeals of Maryland sustained the validity of a statute of that State declaring it unlawful to offer for sale as an article of food in imitation and semblance of natural butter. The object of the statute being to protect purchasers against fraud and deception, the power of the legislature, the court said, following the previous decision in *Pierce v. State* (63 Md., 596), was too plain to be questioned.

The sale of this article, which the Wadsworth substitute seeks to foster, is forbidden in New Jersey:

In *Waterbury v. Newton* (21 Vroom, 534), the New Jersey supreme court sustained the validity of an act that forbade the sale of oleomargarine colored with annatto. In response to the suggestion that oleomargarine colored with annatto was a wholesome article of food, the sale of which could not be prohibited, the court said:

"If the sole basis for this statute were the protection of the public health this objection would be pertinent and might require us to consider the delicate questions, whether and how far the judiciary can pass upon the adaptability of the means which the legislature has proposed for the accomplishment of its legitimate ends. But, as already intimated, this provision is not aimed at the protection of the public health. Its object is to secure to dairymen and to the public at large a fuller and fairer enjoyment of their property by excluding from the market a commodity prepared with a view to deceive those purchasing it. It is not pretended that annatto has any other function in the manufacture of oleomargarine than to make it a counterfeit of butter, which is more generally esteemed and commands a higher price.

"That the legislature may repress such counterfeits does not admit, I think, of substantial question. Laws of like character have of late years been frequently assailed before the courts, but always without success." It was further held by the court that the statute of New Jersey was not repugnant to the clause of the Constitution empowering Congress to regulate commerce among the States, but that the package there in question, and which had been brought from Indiana, became upon its delivery in Jersey City subject to the laws of New Jersey relating generally to articles of that nature. (60 N. J. L., 535, 537.)

And I should have said that in pronouncing the New Hampshire law constitutional the supreme court of that State said:

So in *State v. Marshall* (64 N. H., 549, 551, 552), arising under a statute of New Hampshire relating to the sale of imitation butter, the court said:

"Butter is a necessary article of food of almost universal consumption, and if an article compounded from cheaper ingredients, which many people would not purchase or use if they knew what it was, can be made so closely to resemble butter that ordinary persons can not distinguish it from genuine butter, the liability to deception is such that protection of the public requires those dealing in the article in some way to designate its real character. * * *

"The prohibition of the statute being directed against imposition in selling or exposing for sale artificial compounds resembling butter in appearance and flavor, and liable to be mistaken for genuine butter, it is no defense that the article sold or exposed for sale is free from impurity and unwholesome ingredients, and healthful and nutritious as an article of food."

The State laws of Delaware forbid the sale of this colored compound. Virginia has legislated against it. Ohio has since 1894 excluded it so far as a State enactment could, and a year ago so flagrant became the violations of its laws and so defiant these manufacturers of counterfeit butter that the supreme court of the State annulled the charter of the Capital City Dairy Company upon quo warranto proceedings instigated by the attorney-general upon grounds of flagrant and repeated violations of the law. This company appealed to the Supreme Court of the United States, and on the 6th of last month Mr. Justice White handed down an opinion, in which is the following:

The supreme court of Ohio, however, having before it the evidence introduced upon the issues of fact made in the pleadings, held that oleomargarine was an article which might easily be manufactured so as to be hurtful, and thus result in fraud and injury to the public, and that the inhibition of the use of coloring matter in oleomargarine was a reasonable police regulation tending to insure the public against fraud and injury. The purpose of the legislation in permitting the use of harmless coloring matter in butter and requiring that oleomargarine be sold in its natural state was declared not to be for the purpose of discriminating in favor of butter, but to provide a ready means by which the public might know that an article offered for sale was butter and not oleomargarine.

It can not in reason be said, as a mere matter of judicial inference, that

such regulations for such purpose were a mere arbitrary interference with the rights of property, denying the equal protection of the laws or that they amounted to a taking of property without due process of law. *It follows that the legislature of Ohio had the lawful power to enact the regulations.*

Kentucky does not permit the legal sale of this colored article. Michigan forbade it in an act passed three years ago, which through a technicality in passage was invalidated in the courts, but the law was promptly reenacted last winter.

Illinois, the home of oleomargarine, has forbidden this traffic, and while the law is rendered inoperative as the result of a decision of a lower court wherein three judges sat en banc and one upheld while two condemned the law, it has not gone to the supreme court. These colored goods can not legally be sold in Wisconsin, Minnesota, Iowa, Nebraska, North Dakota, South Dakota, Utah, Colorado, Oregon, Washington, California, and your boasted live-stock State of Montana established a precedent by passing a law in 1895 which reads:

Dealers must pay a license of 10 cents a pound on each pound sold.

Nor has this legislation been confined to the North, thus making it, as has been attempted to prove, a sectional issue. What do the laws of the State of our friend from Alabama provide?

It was approved in 1895 and provides that—

No article which is in imitation of pure yellow butter, and not made wholly from pure milk and cream, shall be manufactured, sold, or used in any public eating place, hospital, or penal institution.

And what is the law of the State from which comes our distinguished friend, the leader of the minority? The State of Tennessee provides that—

Any article which is in imitation of yellow butter and not made exclusively from pure milk or cream is prohibited.

This law was enacted seven years ago, and has not been repealed. In 1896 South Carolina passed a law forbidding the sale of oleomargarine colored in semblance of butter. Missouri has had such a law upon its statute books since 1895, and

In *State v. Addington* (77 Mo., 110, 118) the court, referring to a statute prohibiting the manufacture and sale of oleaginous substances or compounds of the same in imitation of dairy products, said:

"The central idea of the statute before us seems very manifest; it was, in our opinion, the prevention of facilities for selling or manufacturing a spurious article of butter resembling the genuine article so closely in its external appearance as to render it easy to deceive purchasers into buying that which they would not buy but for the deception.

"The history of legislation upon this subject, as well as the phraseology of the act itself, very strongly tend to confirm this view. If this was the purpose of the enactment now under discussion, we discover nothing in its provisions which enables us, in the light of the authorities, to say that the legislature, when passing the act, exceeded the power confided to that department of the government; and unless we can say this we can not hold the act as to be anything less than valid."

Just analyze this proposition. The people come to us for legislation to aid in upholding the laws of their States. The minority frames a bill, reported originally from a subcommittee, of which the admitted champion of the oleomargarine traffic was the chairman, proposing the giving of a stone where bread is asked, to further weaken State laws and give oleomargarine a fresh grip through lessening penalties, making smaller packages original packages, which retailers at \$48 per year license can sell, instead of their sale being confined to wholesalers in lots of 10 pounds at a license of \$480 per year. A law differing not at all from the already ineffectual statute on the books, except that it makes a crime of commission instead of omission; a law where there is no more incentive for the revenue department to enforce its provisions than in the present act.

What about incentive to punish violations of the 10-cent tax bill? The Internal-Revenue Department does not permit revenue to escape. What is the fate of the illicit manufacturer? One A. T. Dow, of Chicago, conducted an illicit establishment in an out-of-the-way place and, as is almost universally the case, the revenue officers in time detected it. What did the Government do to Dow? He was fined \$10,000, to make up the revenue he had dodged, and sent to jail for six months.

An ignorant German woman in Story County, Iowa, mixed a few pounds of tallow in a 40-pound firkin of butter, becoming under the law a manufacturer of oleomargarine, the same as a retailer or restaurant or hotel keeper would under the provisions of House bill 9206, should he mix coloring matter with uncolored oleomargarine and dispose of it. What did the Internal-Revenue Department do to this farmer's wife? Went hundreds of miles, sought out the offender, and assessed her husband \$800 manufacturers' license, as provided by the act of 1886, and in addition \$300 penalty for engaging in the manufacture of oleomargarine without first taking out a license.

And in going to the train to look up this adulterator of 40 pounds of butter, which was the full amount shipped per week, these revenue officials passed at least thirty places in the city of Chicago where the regulations of the department were being violated hundreds of times every day, and the public defrauded, but no revenue lost to the Government because the goods had already paid the tax.

If we stop for a moment and consider the fact that the Internal

Revenue Department of the Government is one of those arms of the public service charged with the function of collecting the revenue of the Government, and that it does not possess the necessary facilities for policing the manufacture and sale of any product beyond the enforcement of the revenue provisions of Federal laws, we will readily see why the present oleomargarine law has failed to accomplish some of its most important purposes. As the late Commissioner of Internal Revenue often said to me, "My department of the Government is a revenue-collecting department, not a police department. So that when the revenue is collected this department does not and can not see to the enforcement of those provisions of this law and the regulations intended to protect the public from fraud and deceit."

Does the Wadsworth substitute propose anything in the interest of the poor man, about whom its advocates pretend to be so concerned? Does it make it possible for the poor man to get the nourishing ingredients any cheaper than now? No. It provides no reduction in tax on the uncolored article; and why? Because the manufacturers of oleomargarine, who are the real advocates of this bill, do not want to encourage the sale of the uncolored article. While they pretend to encourage it, they really fear its advent into the field, knowing that their big profits are gone when the business is put on its own bottom and it is possible no more to palm off oleomargarine as butter. [Applause.]

Mr. HENRY of Connecticut. Mr. Chairman, I move that debate on the pending amendment be closed.

The motion was agreed to.

The question having been taken on the proposed substitute of Mr. WADSWORTH,

The CHAIRMAN. The yeas appear to have it.

Mr. WADSWORTH. To save time, let us have tellers at once.

Tellers were ordered; and Mr. WADSWORTH and Mr. HENRY of Connecticut were appointed.

The committee again divided; and the tellers reported—ayes 116, yeas 146.

So the amendment was rejected.

Mr. HENRY of Connecticut. I move that the committee now rise and report the bill as amended.

The CHAIRMAN. The gentleman from Connecticut sent up a few moments ago a proposed amendment to the title. If there be no objection, that amendment will now be read.

The Clerk read as follows:

Amend the title so as to read: "A bill to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886."

The amendment was agreed to.

Mr. HENRY of Connecticut. I now renew my motion that the committee rise and report the bill with the amendments.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LACEY reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported and to change the tax on oleomargarine, and had directed him to report the same back with sundry amendments, and to recommend that the amendments be agreed to and the bill as amended passed.

The SPEAKER. Is a separate vote demanded upon any amendment?

Mr. TAWNEY. I demand a separate vote on the second amendment—the one in reference to renovated butter.

The SPEAKER. If no other separate vote is demanded, the Chair will submit the remaining amendments in gross.

The question being taken, the amendments reported from the Committee of the Whole, with the exception of amendment numbered 2, were agreed to.

Mr. TAWNEY. Mr. Speaker, the amendment on which I ask a separate vote is the amendment in relation to renovated butter.

The SPEAKER. The Clerk will report the second amendment. The Clerk read as follows:

Strike out all the proviso in section 1, in line 7, page 2, after the word "otherwise," and substitute the following:

"Provided, That nothing in this act shall be construed to forbid any State to permit the manufacture or sale of oleomargarine in a manner consistent with the laws of said State, provided that it is manufactured and sold entirely within the State."

Mr. HENRY of Connecticut. Mr. Speaker, I move to reconsider the vote just taken. There was a misunderstanding.

Mr. RICHARDSON of Tennessee. Regular order!

The SPEAKER. The gentleman from Connecticut moves to reconsider the vote last taken by the House.

Mr. UNDERWOOD. I make the point of order that you are now considering the question of voting on amendment numbered

2, and that it has passed the point where we can reconsider whilst this motion is pending.

The SPEAKER. The motion to reconsider is always in order. The Chair overrules the point of order. The question is on the motion to reconsider.

Mr. UNDERWOOD. I move to lay that motion on the table.

The SPEAKER. The question is on the motion to reconsider the vote by which the amendments were adopted in gross.

Mr. WADSWORTH. I move to lay that motion on the table.

The SPEAKER. The gentleman from New York moves to lay that motion on the table. That is in order.

The question being taken, there were on a division (demanded by Mr. UNDERWOOD)—ayes 140, noes 143.

Mr. UNDERWOOD. The yeas and nays.

Mr. HENRY of Connecticut moved that the House do now adjourn, but subsequently withdrew the motion.

Mr. UNDERWOOD. I have demanded the yeas and nays.

The yeas and nays were refused, 43 members (not a sufficient number) rising in support of the demand therefor.

Accordingly, the motion to lay on the table a motion to reconsider was rejected.

Mr. HAUGEN. Now, Mr. Speaker, I demand a separate vote on the amendment offered by the gentleman from Connecticut.

The SPEAKER. That is not the question. The question before the House is on the motion of the gentleman from Connecticut [Mr. HENRY] to reconsider the vote which was taken on the amendments in gross.

The question being taken on the motion to reconsider, on a division there were—ayes 148, noes 93.

So the motion to reconsider was agreed to.

Mr. TAWNEY. Now, Mr. Speaker, I ask for a separate vote on the amendment relating to renovated butter, the number of which amendment I do not know. I ask the Clerk to specify it. It is a new section that was inserted in the bill on the motion of the gentleman from Kentucky [Mr. ALLEN].

The SPEAKER. The gentleman from Minnesota demands a separate vote on the section which the Clerk will report.

The Clerk read as follows:

SEC. 4. That the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made from time to time, and at such times as he may deem necessary, of all factories and storehouses where butter is renovated; and all butter renovated at such places shall be carefully inspected in the same manner and to the same extent and purpose that meat products are now inspected. The quantity and quality of butter renovated shall be reported monthly. All renovated butter shall be designated as such by marks, brands, and labels, and the words "Renovated butter" shall be printed on all packages thereof in such manner as may be prescribed by the Secretary of Agriculture, and shall be sold only as renovated butter. Any person violating the provisions of this section shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be fined not less than \$50 nor more than \$500, and imprisoned not less than one month nor more than six months.

The Secretary of Agriculture shall make all needful sanitary and other rules and regulations for carrying this section into effect. And no renovated butter shall be shipped or transported from one State to another, or to foreign countries, unless inspected as provided in this section.

Mr. WILLIAMS of Mississippi and Mr. WADSWORTH demanded the yeas and nays.

The SPEAKER. The gentleman from Mississippi demands the yeas and nays.

Mr. FLEMING. Mr. Speaker—

The SPEAKER. The Chair will first put the question. The question is on agreeing to the amendment just reported by the Clerk.

Mr. FLEMING. I desire to offer an amendment to that amendment. I understand the previous question has not been ordered. I desire to amend by adding at the end of that section the following words:

And the tax of 2 cents per pound shall be levied and collected upon each pound of renovated butter, under the terms and provisions of this bill.

The SPEAKER. The Clerk will report the amendment.

Mr. TAWNEY. I make the point of order that the amendment is not in order.

The SPEAKER. The Chair overrules the point of order. No previous question has been ordered or asked.

Mr. FLEMING. I have the floor, have I not, Mr. Speaker?

The SPEAKER. The gentleman has the floor. The Clerk will report the amendment first.

The Clerk read as follows:

Add to the section the following words:

"And the tax of 2 cents per pound shall be levied and collected on each pound of renovated butter, according to the provisions and terms of this act."

Mr. FLEMING. Now, Mr. Speaker, unless we put some kind of a revenue tax on this, I see no way in which to enforce the provisions of the section.

Mr. WILLIAMS of Mississippi. Why, we inspect meat every day without it. This is an exact copy of the law under which we inspect meat. I suggest to the gentleman that he withdraw his motion.

Mr. FLEMING. I withdraw my amendment, Mr. Speaker.

The SPEAKER. The gentleman from Georgia withdraws his amendment.

Mr. PAYNE. I move the previous question on the bill and amendments to the final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. WILLIAMS of Mississippi. Division! Mr. Speaker, what was the question? Gentlemen around me did not understand. They thought they were voting upon the amendment of the gentleman from Georgia, which I understand the gentleman has withdrawn.

The SPEAKER. The gentleman from Georgia withdrew his amendment, and the question before the House is on agreeing to the amendment which has been read recently by the Clerk in full.

Mr. WILLIAMS of Mississippi. Very well.

Mr. RICHARDSON of Tennessee. I make the point of order, Mr. Speaker, that we had not voted on the amendments in gross, which is usually done before the vote is taken on an amendment on which a separate vote is demanded.

The SPEAKER. It may be done either way. The Chair is submitting the question on this amendment.

Mr. WILLIAMS of Mississippi. I call for a division on the last vote. We might as well have the yeas and nays.

The SPEAKER. The gentleman calls for the yeas and nays.

The question was taken; and the yeas and nays were ordered.

The SPEAKER. The question is upon agreeing to the amendment last reported by the Clerk.

Mr. WADSWORTH. Pending that motion, I move that the House do now adjourn.

The SPEAKER. The gentleman from New York moves that the House do now adjourn.

The question was taken; and the Speaker announced that the noes appeared to have it.

Several MEMBERS. Division!

The House divided; and there were—ayes 150, noes 106.

The SPEAKER. Pending the announcement, the Chair submits the following report of the Committee on Enrolled Bills:

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 946. An act to amend section 4400 of the Revised Statutes of the United States relating to a reciprocal recognition of boiler-inspection certificates between the several maritime nations having marine-inspection laws.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3509. An act to transfer the county of Carroll from the northwestern division of the northern district of Georgia back to the northern district of Georgia of the United States district and circuit courts—to the Committee on the Judiciary.

S. 1447. An act to provide for the purchase of a site and the erection of a public building thereon at Spokane, in the State of Washington—to the Committee on Public Buildings and Grounds.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CAPRON, for the balance of the week.

To Mr. ESCH, for three days from February 11, on account of important business.

The result of the vote was then announced; and accordingly (at 6 o'clock and 10 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George W. Bowen, administrator of estate of John W. Hawkins, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Robert H. Boteler against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a recommendation for the establishment of lights in Boston Harbor—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FLEMING, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 10780) to transfer the county of Carroll from the northwestern division of the northern district of Georgia back to the northern district of Georgia of the United States district and circuit courts, and for other purposes, reported the same with amendments, accompanied by a report (No. 480); which said bill and report were referred to the House Calendar.

Mr. SOUTHARD, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 68) to establish a mint of the United States at Tacoma, in the State of Washington, reported the same with amendment, accompanied by a report (No. 482); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 10447) for the relief of the Winchester and Potomac Railroad Company, reported the same without amendment, accompanied by a report (No. 475); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11127) for the relief of the Propeller Tow-boat Company, of Savannah, reported the same without amendment, accompanied by a report (No. 476); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 9632) for the allowance of claims of certain citizens of Virginia for damages to their property incident to the encampment at Manassas and march from Camp Alger to Thoroughfare Gap, Virginia, as recommended by a board of officers appointed for the consideration of claims for damages to property by volunteer soldiers during the war with Spain, reported the same without amendment, accompanied by a report (No. 477); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 10936) for the relief of the legal representatives of Gardner & Lake, reported the same without amendment, accompanied by a report (No. 478); which said bill and report were referred to the Private Calendar.

Mr. THOMPSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 8650) for the relief of the estate of Leander C. McLelland, deceased, reported the same with amendment, accompanied by a report (No. 479); which said bill and report were referred to the Private Calendar.

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 1360) for the relief of W. J. Tapp & Co., reported the same without amendment, accompanied by a report (No. 481); which said bill and report were referred to the Private Calendar.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6847) to correct the record of Michael Hayes, reported the same without amendment, accompanied by a report (No. 484); which said bill and report were referred to the Private Calendar.

Mr. KEHOE, from the Committee on War Claims, to which was referred House bill 8262, reported in lieu thereof a resolution (H. Res. 129) referring to the Court of Claims the papers in the case of Thomas R. Hill, accompanied by a report (No. 488); which said resolution and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on War Claims, to which was referred House bill 9479, reported in lieu thereof a resolution (H. Res. 130) referring to the Court of Claims the papers in the case of William B. Payne, accompanied by a report (No. 489); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 5717, reported in lieu thereof a resolution (H. Res. 131) referring to the Court of Claims the papers in the case of Sam M. Nally, accompanied by a report (No. 490); which said resolution and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 33) to correct the military record of Ira J. Paxton, reported the same adversely, accompanied by a report (No. 483); which said bill and report were laid on the table.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9332) for the relief of Sylvester D. Foss, reported the same adversely, accompanied by a report (No. 485); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 9077) for the relief of William P. Barry, reported the same adversely, accompanied by a report (No. 486); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 8632) for the relief of George E. Day, reported the same adversely, accompanied by a report (No. 487); which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 7115) granting a pension to Norville J. Hannum; and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MIERS of Indiana: A bill (H. R. 11177) to amend section 2 of the act of June 27, 1890, and to establish uniformity in evidence required—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 11178) to fix the compensation of light-house keepers and to provide for their retirement on half pay—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Texas: A bill (H. R. 11179) to provide for the selection of a site for the establishment of a navy-yard and dry dock on or near Sabine Pass, or the Neches or Sabine rivers, in the State of Texas—to the Committee on Naval Affairs.

By Mr. GAINES of West Virginia: A bill (H. R. 11229) to amend section 8 of the act of January 22, 1901, creating two judicial districts in West Virginia—to the Committee on the Judiciary.

By Mr. SPARKMAN: A bill (H. R. 11230) authorizing, empowering, and directing the Commissioner of Fish and Fisheries to establish on the Gulf of Mexico a station for the investigation of problems connected with the marine-fishery interests of the region—to the Committee on the Merchant Marine and Fisheries.

By Mr. LEWIS of Georgia: A bill (H. R. 11231) to provide for the payment of interest on all money now deposited, or hereafter deposited, in national banks of the United States—to the Committee on Ways and Means.

By Mr. MUDD: A bill (H. R. 11232) directing the Commissioners of the District of Columbia to refund certain moneys received by the collector of taxes of the said District—to the Committee on the District of Columbia.

By Mr. DICK: A bill (H. R. 11233) to provide for quieting claims of title to public lands—to the Committee on the Judiciary.

Also, a bill (H. R. 11234) relating to jurisdiction on appeals in the court of appeals of the District of Columbia and transcripts on appeals in said court—to the Committee on the Judiciary.

By Mr. CANNON: A concurrent resolution (H. C. Res. 29) directing the Clerk of the House of Representatives, in the enrollment of House bill No. 9315, to insert the word "thirteenth" on page 9, in line 9, in lieu of the word "thirtieth"—Passed.

By Mr. FLYNN: A concurrent resolution (H. C. Res. 30) authorizing and directing the Public Printer to print 5,000 additional copies of the report of the governor of Oklahoma for 1901 and to deliver the same to the Department of the Interior—to the Committee on Printing.

By Mr. KEHOE: A resolution (H. Res. 129) referring the bill (H. R. 8262) for the relief of Thomas R. Hill, with all the accompanying papers, to the Court of Claims for a finding of facts—to the Committee of the Whole House.

By Mr. CALDWELL: A resolution (H. Res. 130) referring the bill (H. R. 9479) for the relief of William B. Payne, with all the accompanying papers, to the Court of Claims for a finding of facts—to the Committee of the Whole House.

Also, a resolution (H. Res. 131) referring the bill (H. R. 5717) for the relief of Sam M. Nally, with all the accompanying papers, to the Court of Claims for a finding of facts—to the Committee of the Whole House.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ADAMS: A bill (H. R. 11180) granting an increase of pension to Henry W. Gaskill—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 11181) granting a pension to Alice D. H. Krause—to the Committee on Pensions.

By Mr. BLAKENEY: A bill (H. R. 11182) for the relief of the legal representatives of the survivor of Adam, William, and Talbot Denmead—to the Committee on War Claims.

By Mr. BRISTOW: A bill (H. R. 11183) for the relief of Eliza Percival—to the Committee on Invalid Pensions.

By Mr. BURK of Pennsylvania: A bill (H. R. 11184) to correct the military record of Randall C. Wood—to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 11185) for the relief of Joshua P. McDonald—to the Committee on Military Affairs.

By Mr. COONEY: A bill (H. R. 11186) granting an increase of pension to Julia E. Crawford—to the Committee on Pensions.

Also, a bill (H. R. 11187) granting a pension to John L. Lee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11188) to pension Adam Braunersreuter—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 11189) to grant an increase of pension to Jennie M. Gilbert—to the Committee on Invalid Pensions.

By Mr. JONES of Virginia: A bill (H. R. 11190) for the relief of George W. Nock, Grangeville, Va.—to the Committee on Pensions.

Also, a bill (H. R. 11191) for the relief of Edward Nock—to the Committee on Pensions.

By Mr. KEHOE: A bill (H. R. 11192) granting an increase of pension to Darius Dryden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11193) granting an increase of pension to Henderson Pennington—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 11194) for the relief of Harrison Loring—to the Committee on War Claims.

By Mr. MAHON: A bill (H. R. 11195) for the relief of the legal representatives of Hillman & Streaker—to the Committee on War Claims.

By Mr. MAYNARD: A bill (H. R. 11196) granting a pension to Abbie Bourke—to the Committee on War Claims.

Also, a bill (H. R. 11197) granting a pension to the minor children of Daniel J. Reedy—to the Committee on Pensions.

Also, a bill (H. R. 11198) for the relief of Charles Cox—to the Committee on War Claims.

Also, a bill (H. R. 11199) granting a pension to Lewis Walton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11200) granting a pension to Mrs. J. McDonald Armistead—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 11201) granting an increase of pension to William T. Harden—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 11202) for the relief of N. W. Jones—to the Committee on War Claims.

By Mr. POWERS of Maine: A bill (H. R. 11203) granting an increase of pension to H. W. Gay—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 11204) granting an increase of pension to John Fritts—to the Committee on Invalid Pensions.

By Mr. RHEA of Virginia: A bill (H. R. 11205) for the relief of I. R. Harkrader—to the Committee on Claims.

By Mr. RIXEY: A bill (H. R. 11206) granting a pension to Adaline T. Fisher—to the Committee on Invalid Pensions.

By Mr. ROBB: A bill (H. R. 11207) granting an increased pension to James H. Spurgin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11208) for the relief of the heirs and legal representatives of John W. Hancock, deceased—to the Committee on War Claims.

By Mr. SCHIRM: A bill (H. R. 11209) granting an increase of pension to Margaretha Engelhardt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11210) to remove the charge of desertion from the military record of William A. Steward—to the Committee on Military Affairs.

By Mr. SCOTT: A bill (H. R. 11211) granting an increase of pension to Edward Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11212) granting an increase of pension to J. D. Sims—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 11213) for the relief of Mrs. Arivella D. Meeker—to the Committee on Indian Affairs.

Also, a bill (H. R. 11214) granting an increase of pension to George W. Neely—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11215) granting an increase of pension to Charles Christy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11216) granting a pension to Julia L. Parrott—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 11217) for the relief of Charles W. Noell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11218) granting an increase of pension to Reuben W. Bartram—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 11219) granting an increase of pension to John W. Hicks, Horton, Mich.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11220) granting an increase of pension to Marion N. Burgess—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 11221) granting a pension to Cephas Davis, son of James Davis, Company B, Forty-fifth Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 11222) for the relief of the estate of James A. Gregory—to the Committee on War Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 11223) granting an increase of pension to Martin Schubert—to the Committee on Invalid Pensions.

By Mr. LASSITER: A bill (H. R. 11224) for the relief of Lettie Myers—to the Committee on War Claims.

Also, a bill (H. R. 11225) for the relief of the estate of Thomas F. Fenn, deceased—to the Committee on War Claims.

By Mr. VAN VOORHIS: A bill (H. R. 11226) granting a pension to Isaac Dobbins—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: A bill (H. R. 11227) granting a pension to Maj. Samuel P. Cox—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 11228) granting a pension to James P. Billington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11235) granting a pension to Mary T. Easton—to the Committee on Invalid Pensions.

By Mr. ACHESON: A bill (H. R. 11236) granting a pension to Thomas Ridgeway—to the Committee on Pensions.

By Mr. MERCER: A bill (H. R. 11237) granting a pension to Catherine A. Carroll—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Petition of Daniel O'Grady and others, of Buffalo, N. Y., representing Buffalo Liquor Dealers' Association, favoring House bills 178 and 179, for reduction of tax on liquor—to the Committee on Ways and Means.

By Mr. ALLEN of Maine: Petition of B. C. Wentworth and other citizens of Berwick, Me., for an amendment to the national Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. BABCOCK: Petition of George W. Bell Post, No. 53, Grand Army of the Republic, Department of Wisconsin, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, petition of George W. Bell Post, No. 53, Department of Wisconsin, Grand Army of the Republic, urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

By Mr. BELL: Resolution of Miners' Union No. 26, of Silverton, Colo., for the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. BINGHAM: Papers to accompany House bill 11181, granting a pension to Alice D. H. Krause—to the Committee on Pensions.

By Mr. BRISTOW: Resolution of National Association of Credit Men, urging the creation of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

By Mr. BURGESS: Petition of citizens of Jackson County, Tex., requesting an appropriation of \$100,000 to conduct experiments to destroy Mexican boll weevil—to the Committee on Agriculture.

Also, resolutions of citizens of Austin County, Tex., in relation to the Boer war—to the Committee on Foreign Affairs.

By Mr. BURK of Pennsylvania: Resolution of Leather Glazers' Union No. 5, of Philadelphia, Pa., for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

Also, resolution of Glass Blowers' Association No. 33, of East Downingtown, Pa., American Federation of Labor, concerning the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

Also, resolution of National Live Stock Association, in favor of reduction of portions of the war-revenue tax—to the Committee on Ways and Means.

By Mr. CANNON: Papers to accompany House bill No. 11185, for the relief of John P. McDonald—to the Committee on Military Affairs.

Also, resolutions of the Trades and Labor Council of Danville, Ill., concerning the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. CASSEL: Resolutions of Cigar Makers' Union No. 338, of Lincoln, Pa., and Iron Molders' Union No. 9334, of Columbia, Pa., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolution of Lieutenant W. H. Childs Post, No. 226, Grand Army of the Republic, of Marietta, Pa., relating to the construction of war ships—to the Committee on Naval Affairs.

By Mr. COONEY: Paper to accompany House bill 11187, for the relief of John L. Lee—to the Committee on Invalid Pensions.

By Mr. DALZELL: Resolution of Women's Union Missionary Association of Allegheny County, Pa., in regard to polygamy and the sale of firearms in our new possessions—to the Committee on the Judiciary.

By Mr. DRAPER: Report of the committee on foreign commerce and the revenue laws of the Chamber of Commerce of the State of New York on the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, report of the committee on foreign commerce and the revenue laws of the Chamber of Commerce of the State of New York on the reduction of the tariff on sugar and tobacco—to the Committee on Ways and Means.

Also, resolution of Brotherhood of Railroad Trainmen of Albany, N. Y., in support of Senate bill 1118, limiting the meaning of the word "conspiracy," etc.—to the Committee on the Judiciary.

By Mr. EDWARDS: Petition of Plasterers' International Association No. 86, of Helena, Mont., favoring exclusion of undesirable immigrants—to the Committee on Immigration and Naturalization.

Also, petition of Rev. Chester Ferris and others, of Great Falls, Mont., for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. ELLIOTT: Resolution of the Young Men's Business League, of Charleston, S. C., favoring the passage of House bill 5796, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. EMERSON: Resolution of Laborers' Protective Union No. 8962, of Glens Falls, N. Y., American Federation of Labor, relative to the construction of vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. ESCH: Paper in support of House bill 8735, favoring the sale of public lands for the maintenance of agricultural and mechanical colleges—to the Committee on Mines and Mining.

By Mr. FITZGERALD: Resolution of Glass Bottle Blowers' Association of the United States, favoring the enactment of a law excluding the Chinese without limitation from this country—to the Committee on Foreign Affairs.

Also, resolutions of Brotherhood of Railroad Trainmen (New York State legislative board), favoring bill to limit the power of Federal courts in granting injunctions in trade disputes—to the Committee on the Judiciary.

Also, petition of the National Live Stock Exchange, for the repeal of the tax on sales of live stock made at market centers—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of Press Feeders' Union No. 31, of Pittsburg, Pa., in favor of the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of the Pennsylvania Dairy Union, favoring the passage of the oleomargarine bill—to the Committee on Agriculture.

Also, resolution of Major W. G. Lowry Post, No. 548, of Wilkinsburg, Grand Army of the Republic, Department of Pennsylvania, asking that some of the new war ships shall be constructed in the navy-yards of our country—to the Committee on Naval Affairs.

By Mr. HAMILTON: Resolutions of Twin City Union, No. 475, American Federation of Labor, St. Joseph and Benton Harbor, Mich., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. HILL: Petition of J. Leroy Buck and others, of New Milford, Conn., against the reduction of the internal-revenue tax on wrapper tobacco—to the Committee on Ways and Means.

Also, resolution of the State Grange of Connecticut, favoring a bill for the establishment and maintenance of schools of mines and mining—to the Committee on Mines and Mining.

Also, petition of Moore-White Post, No. 18, Grand Army of the Republic, of Danbury, Conn., for a public building for post-office purposes in Danbury, Conn.—to the Committee on Public Buildings and Grounds.

By Mr. HOWELL: Petition of Hiawatha Council, Junior Order

United American Mechanics, of East Millston, N. J., in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. JACK: Petition of Post No. 623, Grand Army of the Republic, of West Newton, Pa., urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

By Mr. JACKSON of Kansas: Petition of Givens Post, No. 200, Grand Army of the Republic, of Hallowell, Kans., for the building of war vessels in United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Railroad Conductors' Association No. 63, of Leavenworth, Kans., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. JONES of Washington: Petition of Colonel Burnham Post, No. 76, Grand Army of the Republic, Department of Washington and Alaska, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. KAHN: Resolution of Chamber of Commerce of San Francisco, Cal., asking for an appropriation for the establishment of a cod hatchery in the waters of Alaska—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of Chamber of Commerce of San Francisco, asking for the establishment of a Government small-arms plant in Sacramento, Cal.—to the Committee on Military Affairs.

By Mr. LINDSAY: Resolution of Boot and Shoe Makers' Union No. 160, of Brooklyn, N. Y., favoring the continuation of the exclusion law against Chinese laborers—to the Committee on Foreign Affairs.

By Mr. LIVINGSTON: Petition of Thomas G. W. Crussell, of Fulton County, Ga., praying reference of war claim to Court of Claims—to the Committee on War Claims.

By Mr. LOUD: Resolutions of the Chamber of Commerce of San Francisco, Cal., for the establishment of a small-arms plant at Sacramento, Cal.—to the Committee on Military Affairs.

Also, resolution of the San Francisco Chamber of Commerce, for the establishment of a cod hatchery on the Pacific coast—to the Committee on the Merchant Marine and Fisheries.

By Mr. LOUDENSLAGER: Petitions of citizens of Salem County, Cumberland County, and Merchantville, N. J., praying for the enactment of a law against polygamy—to the Committee on the Judiciary.

Also, resolutions of Junior Order United American Mechanics of Hartville and Port Norris, N. J., favoring legislation for the suppression of anarchy—to the Committee on the Judiciary.

Also, petition of the Presbytery of New Brunswick, N. J., against the repeal of the anticantene law—to the Committee on Military Affairs.

Also, petitions of various citizens of Salem, Central Trades Union, and Builders' Trades Union, all of Salem, N. J., and Junior Order United American Mechanics of Swedesboro, N. J., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Bricklayers and Masons' International Union of Bridgeton and Camden, N. J., urging the employment of union men in the construction of the naval dry dock at New Orleans, La.—to the Committee on Naval Affairs.

Also, petitions of Carpenters and Joiners' Union No. 20, of Camden; Builders' Trades Union No. 8340, of Salem, and Union 620, of Vineland, N. J., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. MAYNARD: Resolution of the Seaboard Medical Association of Virginia and North Carolina, favoring the establishment of a psycho-physical laboratory in the Department of the Interior—to the Committee on Appropriations.

By Mr. MIERS of Indiana: Paper to accompany House bill 10119, granting a pension to William F. Bunker—to the Committee on Invalid Pensions.

By Mr. ROBB: Papers to accompany House bill 11208, for the relief of the heirs and legal representatives of John W. Hancock, deceased—to the Committee on War Claims.

Also, papers to accompany House bill 11207, granting an increase of pension to James H. Spurgeon—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Team Drivers' Union No. 78, of Fort Wayne, Ind., favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. RYAN: Petition of American Warehouse Association, urging the creation of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

By Mr. RUMPLE: Resolution of Tri-City Musical Society, No. 67, of Davenport, Iowa, American Federation of Labor, favoring the building of vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. SCOTT: Petition of Chamber of Commerce of Wichita, Kans., favoring the passage of House bill 8337, amending an act to regulate commerce to prevent discrimination in freight rates—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the State Society of Labor and Industry of Kansas, for reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. SHAFROTH: Petitions of B. C. Tormey and Charles Johnson, of Eaton; G. K. Dickerson, of Greeley, and others, of the State of Colorado, against reciprocal trade relations with Cuba admitting sugar free—to the Committee on Ways and Means.

Also, resolutions of the Chamber of Commerce of Sterling, Colo., and Fruit Growers' Society of Boulder, Colo., in relation to the arid-land measure—to the Committee on Irrigation of Arid Lands.

By Mr. SHALLENBERGER: Petition of F. A. Thompson and 11 other citizens of Clay Center, Nebr., and Good & Bennett and 14 other merchants of Cowles, Nebr., against House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SHERMAN: Resolutions of Cigar Makers' Union No. 210, of Rome, N. Y., concerning the Chinese-exclusion act—to the Committee on the Judiciary.

By Mr. SIBLEY: Petition of Cigar Makers' Union No. 122, for exclusion of Chinese—to the Committee on Foreign Affairs.

By Mr. SKILES: Resolution of Plasterers' Union No. 210, of Mansfield, Ohio, praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Illinois: Resolution of Woodworkers' Union No. 182, of Cairo, Ill., favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Resolutions of Central Labor Union of Meriden, Conn., and Wood Carvers' Association of New Haven, Conn., favoring the exclusion of Chinese—to the Committee on Foreign Affairs.

Also, resolution of New Haven Wood Carvers' Association, favoring restriction of undesirable immigration—to the Committee on Immigration and Naturalization.

By Mr. STEWART of New York: Resolution of Horsell Post, No. 90, of Schenectady, Grand Army of the Republic, Department of New York, favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. THAYER: Petition of Machinists' Union No. 339, of Worcester, Mass., American Federation of Labor, favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. VAN VOORHIS: Paper to accompany House bill 11226, granting a pension to Isaac Dobbins—to the Committee on Invalid Pensions.

By Mr. WARNOCK: Paper to accompany House bill 11221, granting a pension to Cephas Davis—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill 11223, granting an increase of pension to Martin Schubert—to the Committee on Invalid Pensions.

Also, petition of James P. Billington, for a pension—to the Committee on Invalid Pensions.

By Mr. VREELAND: Resolutions of Fuller Post, No. 246, and J. M. Brown Post, No. 285, Grand Army of the Republic; Musical Union No. 134, of Jamestown, and Barbers' Union No. 109, of Dunkirk, N. Y., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of Woman's Missionary Society of the Presbyterian Church of Fredonia, N. Y., for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. ZENOR: Resolution of Basil B. Decker Post, No. 334, Grand Army of the Republic, of French Lick, Ind., urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

SENATE.

WEDNESDAY, February 12, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

WASHINGTON NAVY-YARD.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 21st ultimo, copies of all papers and reports relating to the proposed extension of the Washington Navy-Yard, either on the east or west side thereof, and the estimated cost of such extension, etc.; which, with the accompany-

ing papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

HAMILTON H. BLUNT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 20th ultimo, a copy of the record and papers bearing upon the court-martial and military service of Hamilton H. Blunt, late captain, Forty-ninth United States Volunteer Infantry; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

WASHINGTON, ALEXANDRIA AND MOUNT VERNON RAILWAY.

The PRESIDENT pro tempore laid before the Senate the sixth annual report of the Washington, Alexandria and Mount Vernon Railway Company; which was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. LODGE presented petitions of the Megantic Club and sundry citizens of Boston, of the Rod and Gun Club and sundry citizens of Northampton, of the South End Gun Club and sundry citizens of Newburyport, in the State of Massachusetts, and of the faculty of the University of Illinois, praying that an appropriation be made for the erection in the city of Washington of a statue to the late Prof. Spencer F. Baird; which were referred to the Committee on the Library.

Mr. FAIRBANKS presented petitions of Norman Eddy Post, No. 579, of South Bend; of Thomas J. Brooks Post, No. 322, of Lafayette; of Basil B. Decker Post, No. 334, of French Lick, and of Lakeview Post, No. 246, of Syracuse, of the Department of Indiana, Grand Army of the Republic; and of International Broom Makers' Local Union No. 6, American Federation of Labor, of South Bend, all of the State of Indiana, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented the petitions of B. C. Raymond, of Hamilton; T. R. Tucker, of Salem, and of B. L. Hollester, of Muncie, all in the State of Indiana, praying for the passage of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. WELLINGTON presented a petition of Iron Molders' Local Union No. 19, American Federation of Labor, of Baltimore, Md., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of Garfield Council, No. 4, Daughters of Liberty, of Cumberland, and of Pants Workers' Local Union No. 114, United Garment Workers of America, of Baltimore, in the State of Maryland, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. WETMORE presented a petition of Ives Post, No. 13, Grand Army of the Republic, Department of Rhode Island, praying for the enactment of legislation authorizing the construction of a battle ship at each United States navy-yard having proper facilities to do the work; which was referred to the Committee on Naval Affairs.

He also presented petitions of the Rhode Island Mule Spinners' Association, of Pawtucket; of the Providence Branch of the Atlantic Coast Seamen's Union, of Providence; of Bricklayers and Masons' Union No. 1, of Providence, and of Carpenters and Joiners' Local Union No. 342, of Pawtucket, all of the State of Rhode Island, praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

Mr. QUARLES presented a petition of sundry citizens of Watertown, Wis., praying for the repeal of the war tax on bank capital; which was referred to the Committee on Finance.

He also presented a petition of the Wisconsin State Agricultural Convention, praying for the enactment of legislation authorizing the use of a portion of the proceeds of public lands for agricultural and mechanical colleges; which was referred to the Committee on Public Lands.

He also presented a petition of Cigar Makers' Local Union No. 61, of La Crosse, Wis., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of Cigar Makers' Local Union No. 182, of Madison, Wis., and a petition of Local Union No. 89, Metal Polishers, Buffers, Platers, and Brass Workers' Association, of Racine, Wis., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. FOSTER of Washington presented a petition of David Fard Post, No. 11, Grand Army of the Republic, Department of